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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

MONDAY, MARCH 10, 2003

9:30 A.M.

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LICENSE NUMBER 10063

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Mr. Steven Jones

Cheryl Peace

Carl Washington

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Georgianne Turner

Lorraine Van Kekerix

Mike Wochnick

ALSO PRESENT

John Abernethy, SWANA

Phil Guadagnino

Diane Kihara

Justin Malan, CCDEH/LEAs

Rich Marovich, Lower Putah Creek Coordinating Committee

Mike Mohajer, LA County Integrated Waste Management Task
Force

Kent Stoddard, Waste Management

Chuck White, Waste Management

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1 PROCEEDINGS

2 CHAIRPERSON PAPARIAN: All right. Good morning,
3 everybody.

4 This is a meeting of the Permitting and
5 Enforcement Committee.

6 We'll start with a roll call.

7 Would the secretary please call the roll.

8 SECRETARY FARRELL: Jones?

9 COMMITTEE MEMBER JONES: Here.

10 SECRETARY FARRELL: Peace?

11 COMMITTEE MEMBER PEACE: Here.

12 SECRETARY FARRELL: Washington?

13 COMMITTEE MEMBER WASHINGTON: Here.

14 SECRETARY FARRELL: Paparian?

15 CHAIRPERSON PAPARIAN: Here.

16 SECRETARY FARRELL:

17 CHAIRPERSON PAPARIAN: And as we do at all these
18 meetings, I'd like to ask, if you have a cell phone, to
19 turn it on the silent mode.

20 If you want to speak on any of the items before
21 us today, there are speaker slips in the back of the room.
22 You can give the filled out speaker slip to Ms.
23 Kumpulainen here at the front of the room.

24 Do any of the Board members have ex partes?

25 Mr. Jones.

1 BOARD MEMBER JONES: No.

2 CHAIRPERSON PAPARIAN: Mrs. Peace.

3 COMMITTEE MEMBER PEACE: Oh, yes, I have one. I
4 have a letter from John Burton dated February 12th, 2003,
5 regarding Sonoma County Legacy Tires and the resulting
6 expensive and difficult problem that the landowners now
7 face.

8 CHAIRPERSON PAPARIAN: Mr. Washington.

9 COMMITTEE MEMBER WASHINGTON: I have none.

10 CHAIRPERSON PAPARIAN: And I'm up to date.

11 We have a number of items on the agenda today.

12 Just to give a brief overview:

13 We're not considering at all the proposed
14 construction and demolition debris regulations. That's
15 going to be coming up at the full Board meeting next week.

16 We won't be deliberating on the Bradley Landfill
17 permit, but rather I'll be asking the Board members if
18 there's anything that needs to be followed up on by the
19 staff with regards to the Bradley landfill item. And
20 perhaps also, if we have time, give folks a chance to talk
21 about what happened at the public workshop on February
22 13th. But in terms of an actual action on the Bradley
23 item, we can anticipate that next week at the full Board
24 meeting.

25 So with that, I'll turn it over to Scott Walker,

1 for your update, Mr. Walker.

2 ACTING DEPUTY DIRECTOR WALKER: Thank you.

3 Scott Walker, Permitting and Enforcement
4 Division. I have five items to present for the Deputy
5 Director report.

6 As directed by the Board last month, Permitting
7 and Enforcement Division staff and LEA's are in progress
8 on an extensive statewide investigation of C&D sites and
9 also other wood waste sites in light of the Griffin fire.
10 We will be presenting an update on the investigation at
11 this month's Board meeting, which is Item 66.

12 We already have some progress with enforcement.
13 We identified with the LEA's significant new problems at
14 the Florin-Perkins facility in Sacramento. And as a
15 result we've got verbal verification that the LEA's issued
16 a cease and desist order.

17 There's some other cases that are pending, and we
18 hope to provide more information at the Board meeting.

19 The second item to report is that preliminary
20 results of radioactivity testing at landfills, which was
21 required by the regional water boards, has been released.
22 There 50 landfills tested. Radioactivity is not normally
23 monitored in leachate groundwater at landfills, and this
24 is the first statewide effort. And it basically follows
25 through on a lot of legislative interests in this issue

1 last year.

2 And the results so far indicate that 25 of the 26
3 line landfill sites tested showed no radioactivity in
4 groundwater exceeding the state drinking water standard.
5 So this was good news.

6 Six of the 24 unlined landfill sites were found
7 to have radioactivity in groundwater exceeding
8 standards -- maximum contaminant standards for drinking
9 water. The radioactivity found may be from natural
10 recurring sources, and it warrants further investigation.

11 In addition, there's potentially anomalous
12 concentrations of tritium, which is a hydrogen isotope, in
13 leachated gas common state that warrants further
14 investigation, including a look at potential sources from
15 waste such as luminous exit signs. But, again, tritium
16 really wasn't found in the groundwater, fortunately.

17 Board staff will continue to work with the water
18 boards and other agencies to follow up on these results.

19 The third item is that a response of the
20 Committee members' desire expressed last month to ramp up
21 progress on the long-term gas violation regulations, staff
22 has established a required technical advisory group with
23 tasks and time lines to complete the informal rulemaking
24 process. We are projecting consideration of draft
25 regulations to start formal rulemaking in July or August.

1 And John bell is heading up that effort.

2 The fourth item is that I'm very happy to report
3 that the Office of Administrative Law has approved the
4 Board's revised landfill closure and post-closure
5 regulations. Congratulations go the Mike Wochnich and
6 Steve Levine for a job well done.

7 And as usual, Elliot Block was there with his
8 unique talents to resolve some sticky last-minute
9 negotiations with OAL. And Elliot is very, very valuable.
10 And any time you have a reg package, you always have
11 Elliot there, and he is a great help.

12 And we'd also like to thank Board Member Jones,
13 who gave us some great ideas to resolve some issues at an
14 early stage and that allowed us to finalize the
15 regulations.

16 I wanted to point to the Board that we are
17 waiting OAL final determination in late March to early
18 April on two reg packages. The first is the waiver of
19 permit terms and conditions during temporary emergencies.
20 And the second is the Board's organics operations and
21 facilities. So we're optimistic we're going to get some
22 more good news soon. We've got our fingers crossed.

23 Finally I would like to report that I
24 participated as an invited speaker and a panel member on
25 the State Regulatory Perspectives at U.S. EPA's bioreactor

1 landfill workshop in Washington DC on February 27th to
2 28th.

3 We will continue to keep track of the
4 developments in this emerging technology. And we are also
5 awaiting U.S. EPA's final research, development, and
6 demonstration rule that with potentially allow more
7 projects in the state other than the Yolo project. That
8 rule -- the final rule according to EPA is now projected
9 to be released not until June at the earliest.

10 That concludes the Deputy Director report.

11 CHAIRPERSON PAPARIAN: Thank you very much.

12 Any questions of staff.

13 Mr. Jones.

14 COMMITTEE MEMBER JONES: Just two questions, Mr.
15 Chair.

16 Could you get our offices a copy of who's going
17 to be on that task force for the long-term gas so we can
18 see the names?

19 ACTING DEPUTY DIRECTOR WALKER: Absolutely. We
20 will do that.

21 COMMITTEE MEMBER JONES: Thanks. I think all the
22 members would like to see that.

23 And then -- I don't know if this is the
24 appropriate time, Mr. Chair. But we got -- I'll suggest
25 that you as the Chair might want to think about directing

1 staff to have some kind of a discussion item on the role
2 of the Board when an LEA is put into a position that they
3 can't win, ergo, somebody saying, "Don't deliver a permit
4 package. And if you do deliver a permit package, there's
5 going to be consequences," is kind of how you read between
6 the lines. We have a role there, number one, to enforce
7 that it is the operator that delivers the permit package
8 after it's gone through the local process, and that it's
9 incumbent on the LEA to deliver to this Board; and, number
10 two, when an LEA doesn't do its job, then, as laid out in
11 statute and reg, that it is this Board's job to decertify
12 that LEA and assume those responsibilities.

13 And I think because we have new members, it might
14 be something to think about, to have that item sooner than
15 later.

16 Mr. Chair.

17 CHAIRPERSON PAPARIAN: I think we already have a
18 workshop scheduled on the permitting process we were going
19 to do that.

20 ACTING DEPUTY DIRECTOR WALKER: Well, I think on
21 the -- the first item up today is going to be discussion
22 of LEA evaluations. That's one area that we might. And
23 depending upon where we go on that, we might need to
24 follow up on some more reports back to the Board. And
25 we're also doing a permit process workshop we're

1 scheduling. Right now it looks like it will be in early
2 May. So we're planning that, which will be --

3 CHAIRPERSON PAPARIAN: That would be an
4 appropriate time I think to, you know, get into the level
5 of detail Mr. Jones is perhaps looking for.

6 Anything else?

7 Okay. Dive into the agenda.

8 ACTING DEPUTY DIRECTOR WALKER: Thank you.

9 Item B is discussion of the second cycle of Local
10 Enforcement Agency evaluations. This is March Board item
11 25.

12 And this is our -- we come to the Committee
13 basically on an annual basis to update the Committee on
14 LEA evaluations. And this gives the opportunity for us to
15 do that. And so with that, Gabe Aboushanab.

16 MR. ABOUSHANAB: Thank you, Scott.

17 Good morning, Mr. Chairman and Committee members.
18 I'm supervisor of the LEA Program Assistance and
19 Evaluation Section. And as Scott mentioned, we're hear
20 before you today to present results of the conclusion of
21 the second cycle of LEA evaluations. And the discussion
22 will include some background information of LEAs and the
23 process used for their evaluation.

24 (Thereupon an overhead presentation was

25 Presented as follows.)

1 MR. ABOUSHANAB: I would like to quickly direct
2 your attention to the attachments for the benefit of our
3 newer members. And I would like to begin by directing you
4 to page 29-9 of your packet and quickly -- please note
5 this is the process of how local agencies are selected by
6 the local governing body and then the process they undergo
7 to be approved and certified by the Board for your
8 benefit.

9 And then if I may direct your attention to
10 Attachment 2 on page 25-10. This is the Board-approved
11 LEA evaluation procedure which we use. Now, you may
12 notice it states Draft 2002 in the lower right hand
13 corner. That's because we made some nonsubstantive
14 changes editorially to improve the readability and clarity
15 of the document.

16 And we also added a section entitled "LEA Program
17 Corrective Action. And I believe you will see it on page
18 25-15 of your attachments. And I would like to thank
19 Board Member Paparian's office for their help and input to
20 that point.

21 This section describes in detail what the LEA
22 must do in order to bring its program into compliance and
23 avoid further administrative steps which could lead to
24 Board action. It also details the actions that the Board
25 may take.

1 And quickly we can go now to Attachment 3 in the
2 interests of time, page 25-22. And this is basically a
3 flow chart of the entire process, for your benefit. And
4 as you may -- some of you may be aware, we had regulations
5 adopted last August for the process the Board undergoes to
6 withdraw its approval of a designation and if the local
7 jurisdiction wants to withdraw its LEA. And these
8 regulations were adopted in June -- I'm sorry -- in August
9 of last year. And that process is outlined for you as
10 Attachment 4, page 25-23.

11 Next we have Attachment 5. And that's the crux
12 of the matter here. This is a spreadsheet summarizing the
13 results of all the LEA evaluations throughout the State
14 for the second cycle. And Dmitri Smith of my staff will
15 be sharing that with you in detail a bit later on.

16 Next we have before you Attachment 6 on page
17 25-27. And this document outlines the status of all LEA
18 evaluation work plans. This is currently the first step
19 to correct LEA performance deficiencies. And Brenda
20 Saldana of my staff will be going over the details and
21 accomplishments with a bit later on.

22 And then we have Attachments 7 and 8 beginning on
23 page 25-30 for you. And these detail the process for
24 branch responsibilities addressing LEA performance issues
25 outside and independent of the evaluation cycle.

1 This is indeed a proactive approach in RealTime,
2 and I believe Sharon Anderson, my boss, may go into if
3 time permits a bit later on.

4 And if there are no questions, I would like to go
5 into the screen part of the presentation.

6 CHAIRPERSON PAPARIAN: Any quick questions before
7 we go to that?

8 COMMITTEE MEMBER JONES: Just a quick one, Mr.
9 Chair.

10 On the LEA on -- what is it? -- Attachment 6,
11 where you're talking about the work plans in process, like
12 Amador County permitting. I don't know what their issue
13 was, if the county just didn't put the permit documents
14 together, or had they failed to meet closure/post-closure
15 funding standards, or did they have a long-term gas
16 violation. And it's not -- it's fine the way your form
17 is. But it would be helpful for the next time around that
18 when they are those kinds of issues that rest with a board
19 of supervisors or a city council -- we see these more
20 often than not with publicly run facilities where
21 permitting is really stretched out because they don't
22 fund. It would be helpful if whatever that issue was on
23 permitting would be identified for the Board. Because we
24 see permits that have two and three years of 12 violations
25 for not getting a permit done, and in I lot of cases we

1 don't see on that form that it's because they weren't able
2 to fund closure/post-closure. And without us knowing
3 that, it kind of paints a picture as to "What the heck are
4 people doing here?".

5 While the LEA is responsible, it's the
6 jurisdiction that's not doing it's job. And that's where
7 we can step in some times to help get that ball rolling.
8 And we've done that in places in years past.

9 So, you know, Mr. Chair, I think it would
10 helpful. Then members would have more of an idea of why
11 the LEA is up against a wall.

12 CHAIRPERSON PAPARIAN: Okay. Thank you.

13 Anything else before we goes into the rest of his
14 presentation?

15 I should have said at the beginning, by the way,
16 this presentation was ready to go at our last P&E
17 Committee meeting. I know you all stayed around all day
18 long through a long day anticipating giving it. And then
19 we pushed it off to this meeting. So I wanted to thank
20 you for your patience last time. Hopefully we're a little
21 more alert now than we would have been at the end of the
22 day at the last meeting.

23 Go ahead.

24 MR. ABOUSHANAB: If I may direct your attention
25 to your viewing screens.

1 Evaluation staff assessed LEA performance to
2 ensure basically three things: That the LEA is providing
3 consistent enforcement of statute and regulations; that
4 it's implementing its Board-approved enforcement plan as
5 part of their certification; and that they remain in
6 compliance with certification requirements, meaning
7 adequate staff and budget, et cetera.

8 Now, it's important to mention that an LEA
9 evaluation is strictly a diagnostic tool, an assessment of
10 how the LEA is doing, and it's a snapshot of a period of
11 time approximately three years. Now, it is not in itself
12 a cure for LEA performance. However, the corrective
13 actions required of an LEA are based on it. And an LEA
14 evaluation really is not a punishment of LEA. It's just a
15 diagnostic tool. I wanted to make that point.

16 --o0o--

17 MR. ABOUSHANAB: Now, if evaluation staff find an
18 LEA is not fulfilling its duties as stipulated in the
19 Public Resources Code -- this is strictly based on
20 statute. And statute says we must look at an LEA's record
21 and find whether or not the LEA failed to exercise due
22 diligence for inspections. We will look at the record and
23 see if there was any intentional misrepresentation of
24 results or if the LEA has failed to prepare or caused to
25 be prepared permits and closure plans.

1 --o0o--

2 MR. ABOUSHANAB: Or if the LEA has approved these
3 documents not consistent with Public Resources Code. If
4 the LEA has failed to take appropriate enforcement
5 actions, or if the LEA has failed to comply with or taken
6 actions inconsistent or unauthorized by statute in
7 regulations.

8 And please bear in mind that all findings with
9 respect to LEA performance are not a result of only
10 evaluation staff input and determination. The process
11 involves Permitting and Inspection and Closure Branch
12 staff and supervisors. It is a deliberate, systematic
13 process that involves the input of many Board staff and
14 the LEA throughout the process. Matter of fact the LEA is
15 given an opportunity at the tail-end to verify the facts
16 in a draft report and to submit any supporting documents
17 that are -- interview before the evaluation is finalized.

18 --o0o--

19 MR. ABOUSHANAB: Now, when an evaluation finds an
20 LEA not to be fulfilling its responsibilities, a
21 stepped-approach process is initiated, which potentially
22 escalates, as needed, to involve Board action.

23 And this is intentionally that way, because
24 historically the Board has not preferred to take over an
25 LEA jurisdiction and decertify an LEA as a first step to

1 correct lack-of-LEA performance. The Board has
2 historically preferred to follow a due process, first
3 allowing the LEA to correct program deficiencies.

4 --o0o--

5 MR. ABOUSHANAB: And essentially the stepped
6 approach that I'm mentioning involves what we call an
7 evaluation work plan, where an LEA comes up with a number
8 of tasks and compliance dates to accomplish what issues
9 are outstanding in their jurisdiction.

10 And the second step is an administrative
11 conference. And the purpose of the conference is to
12 involve the LEA management and the division management.
13 And at one time the P&E Committee had a representative and
14 a deputy director which met and reviewed why there's a
15 lack of performance and whether to move it up to step 3
16 for Board action or determine if it's beyond the control
17 of the LEA and should be worked outside that Board-action
18 step.

19 --o0o--

20 MR. ABOUSHANAB: And having mentioned that, the
21 Board actions are really established by statute and
22 they're pretty extensive. The Board can establish a
23 schedule and probationary period for improved LEA
24 performance. And that particular section is the way the
25 work plan comes from as a first step.

1 And then there are 4 sections in statute that
2 describe how the Board may assume partial or full
3 responsibility for LEA duties. That could be on a
4 site-by-site basis; on a particular duty basis, whether
5 you take over permitting-inspection, or enforcement or any
6 piece of the program you deem fit.

7 The statute also says that the Board may conduct
8 more frequent inspections and evaluations. It may
9 actually implement a variety of measures you determine
10 necessary to improve LEA compliance.

11 And this is similar, but has subtle difference.
12 You may take any action you determine necessary to ensure
13 LEA's fulfill their obligations.

14 --o0o--

15 MR. ABOUSHANAB: And having said that, this
16 doesn't exclude an urgency step -- what we call urgency
17 step if there's immediate threat to public health, safety,
18 or the environment. And we can take over as enforcement
19 for the local jurisdiction within 10 days of notifying
20 them. And this will go on until a new agency is
21 appropriately designated as approved and certified by the
22 Board to take over again.

23 And basically that concludes my portion of the
24 presentation. I'd be happy to answer any questions you
25 may have.

1 CHAIRPERSON PAPARIAN: Mr. Washington.

2 COMMITTEE MEMBER WASHINGTON: Thank you, Mr.
3 Chair.

4 It's interesting that you bring up this LEA
5 position. I wonder -- where are we with the Fresno -- I
6 went down to the Archie Crippen fire site. And what I
7 discovered was, I think they have a city LEA and a county
8 LEA.

9 No?

10 Well, I'm sorry. You're right. The LEA there
11 was -- I mean the blame went back and forth from the city
12 versus the county.

13 Where is the responsibility of the LEA in a
14 situation like that, as it relates to that fire site, and
15 going back to the history of not being monitored and
16 things of that nature?

17 ACTING DEPUTY DIRECTOR WALKER: Let me answer
18 that.

19 In the Crippen fire case, the responsibility on
20 the enforcement of that site was within the city code
21 enforcement. But that particular site was not within the
22 LEA's responsibility with regard to the regulations as a
23 solid waste facility because it was outside the normal
24 types of facilities that would be required to get a
25 permit.

1 And so the LEA basically, appropriately in our
2 view, contacted the city code enforcement on that
3 particular case and pressed them to take action. They
4 ultimately failed to take action. So there's nothing with
5 regard to Crippen that would indicate to us an LEA's
6 failure to perform duties as required.

7 This LEA though had other areas where they had
8 problems with their performance, particularly with regard
9 to -- I think one permit or one or a couple permits in
10 particular that they weren't advising -- weren't getting
11 revised in a timely manner.

12 MS. ANDERSON: Yeah, we're not quite done with
13 our presentation. So there'll be some more information
14 rolling out in the next couple of minutes.

15 CHAIRPERSON PAPARIAN: Is that okay, Mr.
16 Washington, or -- okay.

17 Anything else?

18 Go ahead.

19 MR. ABOUSHANAB: Dmitri Smith will go through the
20 spreadsheet outlining the performance of LEAs throughout
21 the state for you now at this point.

22 Dmitri.

23 MR. SMITH: Hello, Board members. My name is
24 Dmitri Smith of the LEA Program Assistance and Evaluation
25 Section. I'm here today to present the evaluation results

1 section of this item.

2 Staff concluded the second cycle of LEA
3 evaluations in which 56 LEAs within the state were
4 evaluated.

5 --o0o--

6 MR. SMITH: At this time I'll ask you to refer to
7 Attachment 5, which is 25-24 of your agenda item, entitled
8 "Second Cycle LEA Evaluation Summary," for a detailed
9 explanation of the findings and outcomes from inspections,
10 permitting, closure, and enforcement and certification
11 maintenance.

12 For clarification, the numbers in the spreadsheet
13 correspond to the legend at the bottom of the page.

14 The "comments" section, which is on the far
15 right, provides the four possible outcomes of an
16 evaluation. These outcomes include:

17 "Fulfilling duties."

18 "Fulfilling most duties, with minor
19 implementation issues." This is similar to an area of
20 concern on this special report form.

21 "Fulfilling most duties, with findings." Please
22 note that a finding occurs when the LEA fails to fulfill
23 the duty or responsibility.

24 And finally we have "evaluation work plan." And
25 this refers to an LEA that is not fulfilling all their

1 duties and responsibilities and require a work plan in
2 order to resolve program deficiencies.

3 At this time do you have any questions about the
4 spreadsheet or any type of clarification?

5 Okay. At this time I'll ask you to refer to the
6 pie chart on the presentation behind you.

7 As you see from the pie chart, 56 LEAs were
8 evaluated.

9 Thirty-seven percent, which is in the blue,
10 fulfill their duties and responsibilities. Thirteen
11 percent had minor program implementation issues that were
12 addressed during the evaluation process. Thirteen
13 percent's in the green. These LEAs are considered to be
14 fulfilling their duties. Therefore, 50 percent of the
15 LEAs that we evaluated fulfill their duties.

16 Twenty-five percent, which is in the pink, had
17 findings but did not require work plans since they were
18 either resolved during the evaluation process or
19 substantially underway.

20 And, finally, we have the remaining 25 percent,
21 which is represented in the red. And those 25 percent
22 require work plans in order to address program findings.

23 LEA program findings for this will fall into one
24 of the following categories.

25 --o0o--

1 MR. SMITH: Fifteen failed to exercise due
2 diligence in the inspection of solid waste facilities for
3 disposal sites.

4 Eighteen failed to prepare or cause to be
5 prepared permits, permit revisions, or closure and
6 post-closure maintenance plans.

7 Eight failed to take appropriate enforcement
8 action.

9 Three failed to maintain certification
10 requirements.

11 And, finally, four failed to comply with or has
12 taken actions inconsistent with or unauthorized by statute
13 or regulations.

14 --o0o--

15 MR. SMITH: My final slide compares the results
16 of the first and second cycle of evaluations. As
17 indicated by the chart, LEA performance improved overall
18 from the first cycle, with the exception of the LEA's
19 failure to comply with or actions inconsistent with or
20 unauthorized by statute or regulations. And for that I
21 ask you to refer to the long blue bar, which is
22 represented by the four.

23 This reflects staff's increased concentration on
24 the qualitative aspect of the work LEAs submit to the
25 Board. This finding primarily involves LEAs that did not

1 accurately and correctly implement permitting
2 requirements.

3 At this time I'm going to ask if you have any
4 questions?

5 CHAIRPERSON PAPARIAN: Mr. Jones.

6 COMMITTEE MEMBER JONES: Dmitri, on the one that
7 you just talked about, fail to prepare and cause to be
8 prepared permit revisions. And you're saying that these
9 18 could be -- they either didn't do it or they put in
10 packages that you guys had a problem with, is that
11 basically what you're saying?

12 MR. SMITH: For the failure to comply with
13 actions inconsistent with the four, that's one that --
14 maybe there's some inconsistencies. I can give you an
15 example; and that's when an LEA deems a permit application
16 complete and correct even though the permit application is
17 missing information or incorrect.

18 And for the other one, a fail to prepare or cause
19 to be prepared permits, permits revisions and closure
20 plans, that's a combination of permits that may be needed
21 to be revised that weren't revised or closure plans that
22 needed be to updated or revised and those were grouped
23 together in that particular report.

24 COMMITTEE MEMBER JONES: Okay. So if a facility
25 permit needed to be revised, the revision is the burden of

1 the operator, right? An LEA can't write a permit until an
2 RDSI or and RFI or a joint technical document or whatever
3 is submitted to the them, right?

4 MR. SMITH: Right.

5 COMMITTEE MEMBER JONES: Okay. So there are 18
6 occasions, I guess, that that didn't happen out of the 156
7 landfills and 160 something transfer stations and --
8 whatever -- I mean all those facilities.

9 Are you saying that they didn't notify the
10 operators to do it; or the operators didn't make the
11 timetable to do it and, therefore, the LEA gets dinged?
12 I'm trying to put this into perspective for myself to see,
13 is it a failure by the LEA to keep the pressure on or is
14 it they couldn't apply for a permit because they didn't
15 have closure funding, or is it all those things?

16 MR. ABOUSHANAB: If I may.

17 Board members Jones, it is a combination of what
18 you described. And the crux of the matter falls on "cause
19 to be prepared." So by "cause to be prepared," was the
20 LEA diligent, persistent, did it pursue enforcement action
21 to cause these documents to be submitted? So it's a
22 variety of events that didn't take place, and whether the
23 LEA was able to do something about it or not.

24 COMMITTEE MEMBER JONES: Okay. If an LEA is in a
25 county that operates its own landfill, so the people that

1 trigger the contribution to the closure/post-closure fund
2 is the board of supervisors, do the LEAs have an avenue to
3 go to you ahead of time if they're not getting response
4 from their local government so that you can help assist
5 them in putting pressure on to get funding? Or is it,
6 they didn't take on whoever and so, therefore, they get
7 downgraded evaluation?

8 MR. ABOUSHANAB: That's absolutely true. They do
9 have the ability to pursue help from the Board as far as
10 the pursuit of funding and so forth for the permit.

11 COMMITTEE MEMBER JONES: Not funding, but
12 pressure?

13 MR. ABOUSHANAB: Yes. So there is a -- because
14 those times and dates are stipulated. You know, when
15 there are significant changes in operations, the LEA IS
16 obligated to update the permit or pursue the operator to
17 update the permit. So at any point in time the door is
18 wide open for communication to pursue, whether it's for
19 financial assurance, closures of plants, P&I staff for
20 advice on how to move things along. It happens constantly
21 actually.

22 COMMITTEE MEMBER JONES: Okay. Thank you.

23 MS. ANDERSON: If I may, Board Member Paparian.
24 Sharon Anderson, LEA Support Services Branch.

25 The chart that Dmitri showed you just prior to

1 this one is actually a compilation -- if you add up the
2 numbers 15, 18, 8, 3, and 4, it's a greater number than
3 the total number of LEAs that were on work plans. And
4 what that is is some LEAs actually may have had two
5 findings that they were having to resolve in their work
6 plan. So it's sort of a combined effort.

7 That's it.

8 COMMITTEE MEMBER PEACE: I guess I have a
9 question in the case of the Fresno LEA. In the Crippen
10 site, would he have fallen into any of these categories,
11 failed to maintain certification current, failed to
12 comply -- would he have fallen into any of these
13 categories.

14 ACTING DEPUTY DIRECTOR WALKER: No.

15 You're saying he wouldn't have because he --

16 ACTING DEPUTY DIRECTOR WALKER: For the specific
17 case of Crippen, because of the nature of that site as a
18 non-traditional C&D site, the LEA would not fall under
19 trigger for violation of their program on that particular
20 case, no.

21 This LEA was on a work plan for other
22 permit-related problems. Responsibility for enforcement
23 at the Crippen site was with the City Code Enforcement
24 Department. I can tell you though that as a result of our
25 investigation of C&D sites and in light of the Crippen

1 fire, we're reevaluating all those types of cases to
2 really determine in a better manner how to prevent that
3 type of situation from happening again. So if we come up
4 with a different situation -- a similar situation -- and,
5 you know, we would likely look at it in a different manner
6 to try to get at correction of that.

7 But ultimately the responsibility on enforcement
8 of that case was with the City Code Enforcement, not with
9 the LEA.

10 COMMITTEE MEMBER PEACE: Okay. If the resident
11 LEA tried to tell the city there was a problem, did we
12 ever know about it?

13 ACTING DEPUTY DIRECTOR WALKER: We did have
14 record that the city -- or the county LEA did receive or
15 was aware of complaints, which they forwarded to the Code
16 Enforcement Department because it was a responsibility of
17 Code Enforcement to follow-up those violations because
18 they did have a conditional use permit. And so the
19 city -- and the city -- there is record that the city did
20 not act on those complaints and that -- you know,
21 ultimately I think that the situation was created in large
22 part because of that failure of the City Code Enforcement
23 to follow-up on the problems at that site.

24 COMMITTEE MEMBER PEACE: So if the LEA let the
25 city know and they're not going to do anything,

1 shouldn't -- they should let us know, right, in that case?
2 Even -- in the case of Crippen, even if the Board had
3 taken over the LEA's job, is all the Board -- that the LEA
4 could have done is to push the Fresno code enforcement
5 people? We don't have any more authority than that?

6 ACTING DEPUTY DIRECTOR WALKER: Well, I think in
7 retrospect, obviously hindsight's 20/20, and when we look
8 at that whole situation again, we see a number of
9 different strategies, that if it happened again, we would
10 try something different because we think that -- for
11 instance, there's different strategies to get at that
12 particular case, that I think now if it comes up that we
13 could try.

14 And then ultimately it's the C&D regulations.
15 Once we have C&D regulations adopted, we will have a clear
16 authority to regulate those types of facilities. So
17 ultimately that's what's required.

18 In the absence of that, in our investigations
19 we're finding that if we really look at these cases, that
20 I think we can get more accomplished than what was done
21 previously.

22 There's different hooks in those types of sites
23 that we're looking at. And there's a lot of -- there's a
24 lot more motivation on the part of local code enforcement
25 departments, local fire authorities in light of Crippen.

1 So I think if one of these situations comes up again, it's
2 clearly going to be done in a different manner. And,
3 again, ultimately with the C&D regs, we get those adopted
4 then we'll really have a good hook in order to really
5 effectively regulate those types of sites.

6 CHAIRPERSON PAPARIAN: I think a different way to
7 put the question in a more general way is, when an LEA
8 notes a problem at a site that is outside of their
9 jurisdiction -- it could be toxics, it could be local code
10 enforcement, could be OSHA -- whatever it might be, do
11 they have an obligation to do anything about that? I know
12 a lot of them have a tradition, you know, if they notice a
13 problem, they're going to let the right people know. But
14 do they have an obligation to do anything if they notice a
15 problem in an area outside of their jurisdiction?

16 ACTING DEPUTY DIRECTOR WALKER: We strongly
17 encourage that they do that, outside of their
18 jurisdiction, they take care of and they assist on other
19 environmental, a solid waste related in particular. We
20 certainly encourage that. But as far as a statutory and
21 regulatory requirement, we do have some more general
22 requirements too that we can request them to do such. In
23 other words, they are obligated to request that other
24 agencies with jurisdiction over a situation request -- or
25 refer cases and request that those agency do take action.

1 CHAIRPERSON PAPARIAN: So I guess following up
2 then on Mrs. Peace's question, if they do note something
3 again outside of the Waste Board's jurisdiction, can we
4 hold them accountable at all in the LEA evaluation
5 process?

6 ACTING DEPUTY DIRECTOR WALKER: I think we could
7 to the extent that if they find a problem and they don't
8 refer it -- if it's a clear problem under jurisdiction of
9 another agency and they don't refer it and request that
10 the other agency take enforcement action, then we would
11 have some basis to find their program deficient.

12 CHAIRPERSON PAPARIAN: Thank you.

13 Mr. Jones.

14 COMMITTEE MEMBER JONES: Thanks, Mr. Chair.

15 Just one question. I didn't really want to get
16 in a whole discussion about Crippen. But since we did and
17 we're doing evaluations. There is an LEA advisory that
18 kind of told LEAs to hold off on non-traditional, meaning
19 inert. There could have very easily, had they been
20 directed, the direction to have gotten a full solid waste
21 facility permit, because that was the appropriate permit
22 for those kinds of facilities statewide, always was and
23 always will be. So clearly this ball got dropped by a lot
24 of folks. But I don't think that there was anything in
25 the LEA advisory that said they couldn't go in for a full

1 solid waste facility permit, was there?

2 ACTING DEPUTY DIRECTOR WALKER: No, there wasn't.

3 COMMITTEE MEMBER JONES: So the LEA had another
4 piece of recourse.

5 I think the LEA did its job correctly in Fresno
6 County, I really -- I think they did everything that they
7 could and they went and got the advice they needed to,
8 personally, having been there and listened to the stuff.

9 But there was another option. And the option was
10 to have required Crippen to get a full solid waste
11 facility permit for that facility. And -- because,
12 remember we only got into tiers because we wanted to
13 change the level of permits depending on things.

14 So prior to that, full solid waste facility
15 permits have always been the option and the requirement,
16 right? Right. Okay.

17 CHAIRPERSON PAPARIAN: I mean --

18 COMMITTEE MEMBER JONES: That's the heart of the
19 matter.

20 CHAIRPERSON PAPARIAN: Thank you for that. I
21 want to -- I hesitate to go too far into that because the
22 debate on C&D will be next week. But your points are well
23 taken, Mr. Jones.

24 Keep going.

25 MR. SMITH: Okay. That concludes my portion of

1 this presentation. Right now I'd like to introduce Ms.
2 Brenda Saldana to discuss the LEA evaluation work plan
3 status.

4 MS. SALDANA: Good morning. I will be presenting
5 the status of LEA evaluation work plans during the second
6 cycle.

7 --o0o--

8 MS. SALDANA: I'll show you three slides that
9 summarize the Information found in Attachment 6 of your
10 agenda item packet, which is page 25-27.

11 As Gabe mentioned in his presentation, the
12 evaluation work plan is the first step to correct problems
13 with LEA performance.

14 During the second cycle 14 LEAs were placed on
15 evaluation work plans. Five have completed their work
16 plans, and the remaining nine are in various stages of
17 still-in-progress.

18 Of the nine that are still in progress, the
19 majority require permit revisions. Eight evaluation work
20 plans require permit revisions and one also requires
21 permit review.

22 And status of these work plans are as follows:

23 Two permit revisions are scheduled for March and
24 April. You will hear a proposal today for a permit
25 revision for Imperial County and one in April for Amador

1 County. If these permits are concurred with an issue,
2 then an additional two work plans will then be complete,
3 bringing the total to seven complete work plans in the
4 second cycle.

5 Six permit revisions continue to be monitored via
6 their work plan and one work plan is still under
7 development, some final stages.

8 --o0o--

9 MS. SALDANA: The remaining in-progress work
10 plans consist of two that require foreclosure plan
11 updates. And the status of those are is that foreclosure
12 plans have been updated and the remaining two are on
13 schedule.

14 The final one requires enforcement action. And
15 the status of that is enforcement actions have been
16 initiated and are progressing.

17 In conclusion I would like to say that at this
18 time all the LEAs are making good progress with their work
19 plans. We don't anticipate going before the Board
20 regarding a case of an LEA not complying with the work
21 plan. However, this could change. And if it does, we
22 will bring the case forward to the Board for action. And,
23 again, Gabe described the possible actions that the Board
24 could take. And those actions are also outlined in your
25 agenda packet on page 25-4.

1 And that concludes my presentation. And if there
2 are no questions, I'll pass it over to Sharon Anderson.

3 Are there any questions at this time?

4 CHAIRPERSON PAPARIAN: Any questions, members?

5 Go ahead, Mrs. Peace.

6 MS. SALDANA: I'll turn it over to Sharon
7 Anderson, who will describe for you the
8 responsibilities --

9 CHAIRPERSON PAPARIAN: Hold on just a second.
10 Mrs. Peace had a question.

11 MS. SALDANA: Oh, I'm sorry.

12 COMMITTEE MEMBER PEACE: Under -- it's on page
13 25-13 under "Beginning an LEA Evaluation." It says,
14 "Other circumstances that prompt an evaluation: An
15 evaluation may be triggered by: Conditions at a solid
16 waste facility/disposal site that cause a threat to public
17 health and safety."

18 Does that mean conditions only at a permitted
19 solid waste facility and disposal site? Or should that be
20 any site that they find, whether it's permitted or not?

21 MR. ABOUSHANAB: I believe that a big part of it
22 would be if it's determined that the site is in --
23 constitutes an illegal disposal site. So if it's
24 permitted or it needs to be permitted, it falls in that
25 category. So a determination has to be made -- unless

1 somebody wants to add more to it -- that the site deserves
2 a permit, needs to be permitted and, therefore, it's
3 illegal, so it falls under the purview of the LEA.

4 Does that answer it?

5 CHAIRPERSON PAPARIAN: Okay. Go ahead.

6 MS. ANDERSON: Once again, Sharon Anderson, LEA
7 Support Services Branch.

8 --o0o--

9 MS. ANDERSON: I'm going to quickly just scan for
10 you Attachment 25-30. And this is what we do outside of
11 each evaluation cycle.

12 It's related to what we call -- fondly call our
13 trigger program -- our trigger. And when staff at any of
14 the branches finds a difficulty or a problem or a
15 performance issue with an LEA based on inspections or
16 permits or something to that effect, they along with us
17 will go through this flow chart to figure out what are
18 some of our next steps that we could take.

19 So I'll just go right to the triggers, because
20 you can probably read what our own internal process would
21 be, how it could come forward to the board for an
22 evaluation or a request for evaluation or to the executive
23 officer to request evaluation if problems persist.

24 --o0o--

25 MS. ANDERSON: But getting to the crux of the

1 matter is our instruction and program triggers. We very
2 clearly outlined these with our P&I Branch staff. They've
3 actually developed most of them. They're based on
4 regulations. And so what we do is, they're kind of a
5 do -- it's a continuous checking outside of an evaluation
6 cycle with all the parts of the program. These are the
7 parts the inspection program triggers.

8 --o0o--

9 MS. ANDERSON: And, again, with respect to
10 enforcement of the things that we are aware and that we
11 can -- and we know about, this is the do list that our
12 staff proceeds with with respect to enforcement.

13 On occasion LEAs do consult with our legal office
14 on certain of these things when they get into a sticky
15 situation, as Board JONES may have indicated earlier, and
16 that is where they're sort of held hostage by their board
17 of supervisors on doing something. And so this will come
18 to our attention once in awhile as well. And so this is
19 how we get to find out what the LEAs are doing at their
20 levels to see what kind of assistance that we can provide.
21 Because all this really -- when we're doing this outside
22 this cycle, our main goal is to actually jump in and try
23 to get the assistance that the LEAs need to take it to the
24 next level or to resolve their issues and to increase
25 their performance back to their normal -- you know, an

1 outstanding -- perhaps be, maybe not always A, level
2 performance.

3 Next slide.

4 --o0o--

5 MS. ANDERSON: And on this one you'll see the
6 permit program triggers. We've got a ton of them. These
7 are the questions that our staff asks themselves when
8 they're working through the permits process. So we're
9 outside of the permit process that they stumble upon a
10 situation when they're doing their own 18-month
11 inspection. Let's say they find an RFI has come in and it
12 has substantive changes, but they haven't seen the LEA
13 really push the operator to get a permit review done,
14 these are some of the things that will trigger sort of our
15 own internal group of trying to raise the performance of
16 the LEA.

17 And, finally, the same thing with closure program
18 triggers.

19 And that kind of outlines our trigger program and
20 our ability to go in early and on RealTime to offer
21 assistance to get the performance level back up. And a
22 lot of times we do find situations, as in one
23 jurisdiction, the Board did request that we go in outside
24 of the evaluation cycle and take another look at the
25 performance of the LEA in Merced County. So that was one

1 situation outside of the regular cycle that we were asked
2 to go and take another look.

3 I believe that concludes our entire presentation
4 of updating you on the second cycle prior to commencement
5 on the third cycle. We would really value your input on
6 anything that you've seen. We have some input from member
7 offices on the current process revised. As Gabe
8 explained, there were some minor revisions. We did seek
9 incredible input from the local enforcement agencies
10 through the CCDEH, the Solid Waste Policy Committee, and
11 the Enforcement Advisory Council on our current process
12 and made some revisions based on their input. And that's
13 what's presented to you, you know, today. We made some
14 revisions. We're getting ready to start up our third
15 cycle. If all is copacetic, we will do that. And
16 continue to monitoring those work plans that are still
17 outstanding.

18 CHAIRPERSON PAPARIAN: Okay. I do have one
19 speaker. Any suggestions before I go to the speaker?

20 Okay. Justin Malan. One of several voices of
21 the LEAS.

22 MR. MALAN: Thank you, Mr. Chair, Board Members
23 Washington, Peace, and Jones.

24 This is my sort of annual gig here to commend the
25 staff for an outstanding job, once again. Even though it

1 is a little disturbing to see 25 percent of folks, as it
2 represented, not fulfilling their duties. I think we
3 would read it as not completely fulfilling their duties.
4 I don't think it should be read that they're not
5 fulfilling their duties at all.

6 But two things: One is to commend the Board and
7 the Board staff for the evaluation process in general.
8 And also to thank Mr. Jones for raising two issues which I
9 wanted to just dwell on a little bit.

10 The first issue is very -- earlier point about
11 the interference of people into the permitting process. I
12 don't know if everybody in the audience and on the dais
13 there picked up on what you were alluding to, but I
14 certainly did. And I think that's a debate for a later
15 stage. But we appreciate the fact that LEAs are always
16 under considerable pressure, just as you are as a board,
17 and there are confounding factors in this whole management
18 of solid waste that affect the LEAs in their duty. And
19 sometimes things are out of their control.

20 Secondly, another very important point that
21 affects the so-called performance of the LEA. And, that
22 is, the inability of this own board to enact regulations
23 that make it clear what the LEAs are supposed to do.

24 For two months now we're going backwards and
25 forwards on culpability of the Crippen fire. Culpability

1 lies to a large extent right here in that the LEA
2 authority was not explicit. I'm not saying the fire
3 wouldn't have happened if the authority was explicit. I'm
4 not saying that the LEA and the other local enforcement
5 agencies didn't have any culpability or liability. But,
6 clearly, the more explicit the authority of the LEA is and
7 the clearer that authority is, the easier it is for that
8 LEA to do his or her job.

9 And I think it's beholden on this group to pass
10 the C&D regs so we don't have finger pointing in a year's
11 time on something else.

12 But, most importantly, I want to set a quick
13 context, particularly for the new Board members. Solid
14 waste management is one of about 20 programs at the local
15 environmental health. Local environmental health do most
16 of the health, public health, and environmental health
17 programs, ranging from food sanitation, drinking water
18 safety, bio-terrorism, hazardous waste. This is, without
19 doubt, the most highly regulated, it has more money thrown
20 at it, than any other program we do in environmental
21 health.

22 We conduct inspections of a permitted facility, a
23 solid waste permitted facility, once a month. By statute,
24 and because of precedent, we conduct inspections of
25 hazardous waste facilities once a year. I think that's an

1 important thing to understand. That the LEAs and the
2 Board staff do an outstanding job regulating solid waste
3 in this state. Furthermore, we don't even get into food
4 facilities more than two or three times a year.

5 I think that's an important context, to realize
6 how much work is being done by the LEAs and your Board
7 staff in managing these sites correctly.

8 The LEA oversight and the LEA evaluation is,
9 without doubt, the most thorough process of evaluating a
10 local delegated program, not only in California, but
11 probably in the nation. We have compared evaluation
12 processes. We have compared oversight responsibilities,
13 statutory obligations by state and federal agencies,
14 especially when we're setting out the so-called CUPA
15 program, the local hazardous materials program. We used
16 your program as a model.

17 The CUPA program hasn't quite gotten your program
18 yet.

19 So I think you should be proud of the level of
20 oversight, the diligence of your staff in keep the LEAs on
21 their toes, and also that you have a transparent process,
22 you have a fair process, and one that I think you should
23 have confidence in.

24 And the measurement of the success of this
25 program isn't how many LEAs that have been dinged or not

1 dinged, how many have been decertified or not decertified.

2 But it's the compliance record in the State of California.

3 Six years ago I stood at this dais, and we sat
4 with 117 facilities in substantial noncompliance or in
5 chronic violation of solid waste laws. Today we have
6 fewer than a handful.

7 If that isn't success, I don't know what is.

8 Thank you, Mr. Chairman.

9 CHAIRPERSON PAPARIAN: Thank you, Mr. Malan.

10 I had one quick, small -- no, not for you,
11 Justin. Sorry.

12 One quick, small question. You had in the agenda
13 item that we have an equipment loan program for the LEA's.

14 MS. ANDERSON: Oh, in the agenda item?

15 CHAIRPERSON PAPARIAN: Yeah, yeah. Is that
16 working well? Is that --

17 MS. ANDERSON: It's working very well.

18 CHAIRPERSON PAPARIAN: Okay. You have enough
19 resources to get the type of equipment you need to get out
20 to the LEAs? Is that working well?

21 You're looking at Mark, I can see.

22 (Laughter.)

23 MS. ANDERSON: We could always use more. But
24 actually that equipment loan program is going real well.
25 We run that out of our field shop, the health safety field

1 shop as well. So we do a dual duty out there with one our
2 staff, Phil Guadagnino, under the supervision of Diane
3 Kihara, the Board's Health & Safety Officer. And they
4 have been able to meet the requests of the LEAs. Every
5 year we pole the LEAs on their needs for field equipment.
6 And then we scurry around and make sure that we have the
7 funds available to grant that. And because there was a
8 BCP associated with the funding of the program and the
9 staffing of it, we've been able to meet the needs.

10 CHAIRPERSON PAPARIAN: Thank you.

11 COMMITTEE MEMBER WASHINGTON: What's the
12 equipment loan --

13 MS. ANDERSON: The statute authorized -- 43217, I
14 think it's D, authorized that the Board establish an LEA
15 equipment loan program. And what we've done with that is
16 find out exactly the health and safety field needs and
17 also inspection investigative needs of the LEA. Do they
18 need gas monitors: Do they need digital cameras to
19 document evidence: Do they need GPS systems? What is it
20 that they need to help them in the field to do their
21 duties?

22 And we've been very subscribed in that. We've
23 been able to -- five years ago we had no gas monitors out
24 there. Very few. Only the most sophisticated LEAs had
25 their own. Now, we've been loaned out -- we've loaned out

1 several more, and now LEAs are really coming up to snuff
2 with that sort of technology. Definitely hit the mark on
3 that.

4 CHAIRPERSON PAPARIAN: Okay. Anything else,
5 members?

6 Ms. Peace.

7 COMMITTEE MEMBER PEACE: So the LEAs do have a
8 big, important job and for the most part they do a very
9 good job in fulfilling their duties and responsibilities.
10 But I think a lot of times maybe they don't know exactly
11 what those are. So I think it's our responsibility to
12 remove any ambiguity from their jobs that we can.

13 Another thing I guess that concerns me is what
14 came up at the Bradley -- and I guess we'll be talking
15 about that later -- where it seems that the LEA didn't
16 quite know how much authority he had. And I think we need
17 to really look at that and make sure that the LEAs know
18 what authority they have and what their job is, and remove
19 that ambiguity so we don't end up with problems like at
20 the Crippen site and the Bradley site.

21 CHAIRPERSON PAPARIAN: If there's nothing else, I
22 really compliment you on this effort. I know it's been
23 really challenging to kind of find the right balance.
24 It's kind of a push-pull thing, you know, how much do you
25 work cooperatively versus how much do you have a little

1 ding in there, as Justin said.

2 It's kind of similar to being a parent, you know.

3 How much do you reward and how much do you punish? And I
4 know it's been a struggle trying to come with that right
5 balance. But, you know, I think you've been doing an
6 excellent job trying to find that balance and find the way
7 to assure that, you know, the program is as effective and
8 efficient as it possibly could be.

9 So thank you.

10 Okay. I think maybe we can fit in another item
11 or two before we take a break.

12 ACTING DEPUTY DIRECTOR WALKER: Okay. Item C is
13 consideration of the request to exempt the Local
14 Enforcement Agency Grant Program from the permit checklist
15 requirement. This the Board Item Number 26.

16 And Sharon Anderson will give the staff
17 presentation.

18 MS. ANDERSON: Again, Board members and Chair
19 Michael Paparian, this is Sharon Anderson.

20 We're coming to you today to request a similar
21 exemption that the Used Oil Grants Program was able to
22 get, and that was an exemption from the licensing and
23 certification check list.

24 Since this is an entitlement grant, it's
25 noncompetitive. And the Board did find back in August

1 that there were some grantees, particularly those with
2 block grants or entitlement grants, that might not fit in
3 this category, and said that we would have to come forward
4 for exemption list. Strictly all we're doing is we're
5 just coming forward, raising our hand and saying we'd like
6 have that exemption to make it little bit easier on the
7 grantees.

8 CHAIRPERSON PAPARIAN: The check list as I recall
9 requires when someone gets a grant, that they certify
10 they're in compliance with air permits and water and other
11 permits and they're in compliance with a lot of other
12 things. And so I think what you're saying in this agenda
13 item is that that doesn't quite fit with an LEA grant.
14 They don't -- they're not a permitted facility and,
15 therefore, they don't quite fit this thing. So if there's
16 no. -- Mr. Washington.

17 COMMITTEE MEMBER WASHINGTON: Maybe Sharon could
18 just -- what's the difference in the equipment grant and
19 this grant?

20 MS. ANDERSON: The LEA Equipment Loan Program is
21 a separate program. It's not necessarily a grant. It's a
22 loan, and we get the stuff back, and it's a separate
23 program. This one is strictly -- we give the money away,
24 and then we account for it later. I mean, you know -- we
25 keep records of all the money.

1 COMMITTEE MEMBER WASHINGTON: Mr. Chair, I'd like
2 to move Resolution 2003-185, consideration of the request
3 to exempt the Local Enforcement Agency Grant Program from
4 the permit checklist requirement.

5 CHAIRPERSON PAPARIAN: Okay. A motion by Mr.
6 Washington.

7 COMMITTEE MEMBER JONES: Second.

8 CHAIRPERSON Paparian: Second by Mr. Jones.
9 Secretary, call the roll.

10 SECRETARY FARRELL: Jones?

11 COMMITTEE MEMBER JONES: Aye.

12 SECRETARY FARRELL: Peace?

13 COMMITTEE MEMBER PEACE: Aye.

14 SECRETARY FARRELL: Washington?

15 COMMITTEE MEMBER WASHINGTON: Aye.

16 SECRETARY FARRELL: Paparian?

17 CHAIRPERSON PAPARIAN: Aye.

18 This will be an item for consent.

19 MS. ANDERSON: Thank you.

20 Item 27 or Item -- whatever it is -- D.

21 ACTING DEPUTY DIRECTOR WALKER: Item D is
22 consideration of augmentation of the Environmental
23 Services Contract for the Solid Waste Disposal and
24 Codisposal Site Cleanup Program, Contract IWM-C2001. This
25 is Board Item Number 27. And it will also be heard in the

1 Budget & Administration Committee.

2 Wes Mindermann will give the staff presentation.

3 (Thereupon an overhead presentation was

4 Presented as follows.)

5 MR. MINDERMAN: Good morning, Mr. Chairman and
6 members of the Committee.

7 We're before you this morning requesting an
8 augmentation of one of our existing contracts under the
9 Solid Waste Cleanup Program.

10 Before I get too far along in my presentation, I
11 thought I'd briefly go over the two sections of the
12 statute that are relevant to our discussion this morning.

13 --oOo--

14 MR. MINDERMAN: The first is Section -- Public
15 Resources Code 48021(b), which authorizes the Board to
16 expend funds directly or contract out in administering the
17 Solid Waste Cleanup Program.

18 The other section would be where we derive our
19 funding, which is Public Resources Code Section 48027(b),
20 which establishes the Solid Waste Disposal Site Cleanup
21 Trust Fund and says that there's money in the trust fund
22 is continuously appropriated to the Board for expenditure
23 without regard to fiscal year for the purposes of this
24 article.

25 This is where the funding for this proposed

1 augmentation would come from, out of the existing funds in
2 the trust fund.

3 --o0o--

4 MR. MINDERMAN: As we move along we can see that
5 historically in the Solid Waste Cleanup Program we've had
6 three contractors. Two of them are typically heavy
7 equipment contractors used for the actual site
8 remediations that the Board authorizes. The third is the
9 engineering services contractor which we use for a number
10 of tasks and which is the contract currently held by Bryan
11 A. Stirrat & Associates.

12 --o0o--

13 MR. MINDERMAN: Here's a list from our scope of
14 work that the Board approved for this contract. This is
15 not all inclusive. What this does do though is show you
16 the majority of the tasks that we utilize this contractor
17 for. It varies from researching responsible parties to
18 doing site investigations, plans and specifications for
19 our more -- our larger cleanups. We use them for
20 construction management, construction quality assurance.
21 We also use them for emergency responses on hazardous
22 material releases that can occur sometimes when we're
23 cleaning up illegal disposal sites throughout the state.
24 One part we do use them for also is preparation
25 of project community education and outreach programs.

1 One, it makes sense to do it for various projects.

2 --o0o--

3 MR. MINDERMANN: I wanted to show this slide to
4 kind of give you a little bit of an idea what our contract
5 status is. The award date for this contract was October
6 2002. It will expire in May of 2005. The not-to-exceed
7 amount was \$2,500,000. The initial contract allocation
8 was \$500,000. Right now we have either spent or have
9 encumbered \$405,000 under this contract, which leaves us,
10 as the number in red indicates, \$95,000 left.

11 What we're proposing is to increase this contract
12 by \$750,000 so we can complete current projects and also
13 complete future site investigations on potential projects
14 that may be brought before the Board.

15 The most telling thing that this table before you
16 does not show is that right now projecting out through the
17 end of this construction season, which will end some time
18 in October or November of 2003, we have estimated that
19 we'll need at least another \$365,000 to complete the work
20 that we wanted to.

21 --o0o--

22 MR. MINDERMANN: I thought I'd throw this one up
23 also. This shows the contract -- the status of our
24 cleanup contracts with A.J. Diani Construction and Irv
25 Guinn Construction. You can also see that both these

1 contracts were awarded in November, will expire in May of
2 2004. The initial allocation was \$2,500,000 for each one.

3 You can see on the right-hand column that we just
4 recently did put \$750,000 into the Guinn contract last
5 month as a result of the Crippen fire, which brings the
6 not-to-exceed up to \$3.25 million.

7 Again, the number I want to point out here is
8 right now under the A.J. Diani Construction contract. We
9 have no funds available for future cleanups. All the
10 funds were spoken for have been spent on past cleanups or
11 currently encumbered for previously approved cleanups.

12 Right now in Guinn Construction we have \$750,000,
13 which the Board just put in, available right now.

14 --o0o--

15 MR. MINDERMAN: In conclusion, the proposed
16 augmentation of this contract is necessary to allow the
17 program activities to continue without delay on previously
18 approved and potential future projects.

19 We're recommending that the Board approve the
20 allocation and adopt Resolution Number 2003-186.

21 And the last thing I want to bring up is, you
22 probably will be seeing me in the next couple months,
23 hopefully to award new cleanup contracts. Because as I
24 showed you before, the current contracts are pretty much
25 spoken for in terms of funding.

1 That concludes my presentation. I'd be happy to
2 answer any questions.

3 CHAIRPERSON PAPARIAN: Any questions?

4 I tempted to ask the meaning of the graphic up
5 there. Maybe do that off line.

6 Any questions?

7 (Laughter.)

8 COMMITTEE MEMBER WASHINGTON: Mr. Chair?

9 CHAIRPERSON PAPARIAN: Mr. Washington.

10 COMMITTEE MEMBER WASHINGTON: Not so much as a
11 question, but as a comment.

12 As a new Board member, in my first week -- two
13 weeks on this Board -- well, three weeks on this Board I
14 had a chance to go down to the Fresno fire site. And to
15 see the type of cleanup work was extraordinary. And I
16 happened to go on a day when this task force that they had
17 convened were meeting with the community. They had the
18 counsel members, the city manager, the mayor, the federal
19 folks there. And one of the things that was explicit in
20 that meeting was, had it not been for the Integrated Waste
21 Board Cleanup Project, which came in and immediately began
22 to work on that fire, that we could -- they could have
23 potentially had a disastrous situation. So this is where
24 I like to see resources going, these type of programs
25 where they're on the spot.

1 And, again, I think we've said it before, but to
2 the staff, who've done a fabulous job out there dealing
3 with that fire site and looking at how the firefighters
4 and those were waiting for Todd to give them the nod to go
5 in was just unbelievable. And to watch our people out in
6 those big tractors doing the type of extractions that they
7 were doing and going into those tunnels and -- I mean I'm
8 standing on top of a mountain, and it was though I was
9 looking into a volcano. And to see them take that
10 equipment and go inside there and extract that fire, that
11 was just totally unbelievable.

12 So I was delighted to see such a great job. And
13 I think this is where it's all about and where we could be
14 beneficial. And certainly I know we had talked -- this
15 Board had talked it out, figuring out how we can get some
16 of that money back. But I think that it has to be readily
17 available because we just don't know when a situation like
18 this is going to pop up.

19 So I'm excited to support this resolution. If
20 there's no question, I'll move it unless Mr. Jones --

21 CHAIRPERSON PAPARIAN: I think -- you said it
22 well. This is one of the success stories of the Board.
23 The staff does fabulous work.

24 Go ahead, Mr. Washington.

25 COMMITTEE MEMBER WASHINGTON: I'd like to move

1 Resolution 2003-186, consideration of augmentation of the
2 Environmental Service Contract for the Solid Waste
3 Disposal and Codisposal Site Cleanup Program, IWM-C2001.

4 COMMITTEE MEMBER JONES: Second.

5 CHAIRPERSON PAPARIAN: Okay. It's been moved by
6 Mr. Washington, seconded by Mr. Jones.

7 Secretary, call the roll.

8 SECRETARY FARRELL: Jones?

9 COMMITTEE MEMBER JONES: Aye.

10 SECRETARY FARRELL: Peace?

11 COMMITTEE MEMBER PEACE: Aye.

12 SECRETARY FARRELL: Washington?

13 COMMITTEE MEMBER WASHINGTON: Aye.

14 SECRETARY FARRELL: Paparian?

15 CHAIRPERSON PAPARIAN: Aye.

16 Now, this item I believe goes to the Budget &
17 Admin Committee, but with our recommendation that that
18 committee put it on the fiscal consensus calendar.

19 COMMITTEE MEMBER JONES: Mr. Chair.

20 CHAIRPERSON PAPARIAN: Mr. Jones.

21 COMMITTEE MEMBER JONES: Wes, you may want to get
22 a copy of -- or deliver a copy of what has happened in the
23 past, especially in Humboldt County where you've got a D-4
24 hanging at the end of a one-inch cable to clean up that
25 mess, and deliver a copy to Member Washington and Member

1 Peace to see, because -- I know the other members have
2 seen it. But it will blow your mind to see that kind of
3 activity to clean up a site on a cliff, and hanging a
4 dozer over the side to get that done, at an angle like
5 about this. You ought to share that.

6 MR. MINDERMAN: Thank you, Mr. Jones. We'd be
7 more happy -- our program staff would be more than happy
8 to schedule an appointment with any of the Board members'
9 offices to brief them on what we're currently doing in the
10 program and what we have done in the program. So I'll
11 extend that offer. Yeah, and you can just contact Scott
12 Walker, and we'd be happy set up a presentation.

13 COMMITTEE MEMBER WASHINGTON: I was offered by
14 Mr. Jones to get in one of those when I was out at
15 Crippen. He asked me did I want to get in with the
16 gentleman. I told him absolutely not.

17 (Laughter.)

18 COMMITTEE MEMBER JONES: See, yet another
19 difference. He knew I wanted to get on one. It's scary.

20 CHAIRPERSON PAPARIAN: Okay. Members -- you all
21 right trying to do another agenda item before we break?

22 Okay. Let's do one more.

23 ACTING DEPUTY DIRECTOR WALKER: Item E is
24 consideration of augmentation of the Environmental
25 Services Contract for the Closed, Illegal, and Abandoned

1 Site Investigation Program. This is contract number
2 IWM-C0130. This will also be heard at the Budget & Admin
3 Committee as Item K there, and it's also March Board Item
4 28.

5 And myself, Scott Walker, will give the
6 presentation.

7 Our Closed, Illegal, and Abandoned Site staff and
8 Glenn Young were out there looking at sites. Plus another
9 thing to point out is that Glenn is in the reserves, and
10 so we're cautiously watching where this goes with regard
11 to the Gulf war situation. So hopefully that he doesn't
12 get called.

13 Again, this -- the Board approved Contract Number
14 IWM-C0130 with Ninyo & Moore in February 2002 to implement
15 contract funds approved by the CIA program budget change
16 proposal.

17 The funding level for this two-year contract was
18 initially approved at \$200,000, and to date we've spent
19 approximately \$150,000. During the January 2003 Board
20 presentation, the program presented what they do, the type
21 of cases that they're involved in, showing the types of
22 assistance that this contract provides. And it provides
23 specialized sampling services, backhoe services, borings,
24 test pits, specialized equipment that we don't have
25 available to us in these types of situations as they come

1 up.

2 I'd also like to point out that the CIA program
3 is currently involved with investigating the priority C&D
4 sites. And the capability provided by this contract may
5 assist in the investigation of these sites. So it's
6 hopeful this contract can give us some services that can
7 help us in that effort.

8 The Closed, Illegal, and Abandoned Site Program
9 also manages the Environmental Laboratory Services
10 Contract, which has a two-year duration and is funded from
11 the Integrated Waste Management Act under mandatory
12 services. It was intended that \$100,000 was to be
13 allocated to that contract for fiscal year 2001-2002,
14 mandatory services, with an additional allocation of
15 \$100,000 from this fiscal year.

16 However, the competitive document utilized to
17 secure contract IWM-C140, the lab services, does not allow
18 for additional funding beyond \$25,000. So this item
19 proposes to use the remaining money that was allocated,
20 \$75,000, to augment the Ninyo & Moore contract, thereby
21 extending the duration of the contract by approximately
22 six to eight months and allowing the Closed, Illegal, and
23 Abandoned Site Program to continue assisting the LEAs and
24 the Board.

25 So, in conclusion, staff recommend the Board

1 adopt resolution 2003-187, augmenting Contract Number
2 IWM-C0130 with Ninyo & Moore by \$75,000.

3 That concludes my presentation.

4 CHAIRPERSON PAPARIAN: Any questions?

5 Mr. Jones.

6 COMMITTEE MEMBER JONES: Mr. Chair, I'll move
7 adoption of resolution 2003-187, consideration of
8 augmentation of the Environmental Services Contract for
9 the Closed, Illegal, and Abandoned Site Investigation
10 Program, IWM-C0130, for the amount of \$75,000.

11 COMMITTEE MEMBER WASHINGTON: Seconded.

12 CHAIRPERSON PAPARIAN: Okay. Moved by Mr. Jones,
13 seconded by Mr. Washington.

14 Secretary, call the roll.

15 SECRETARY FARRELL: Jones?

16 COMMITTEE MEMBER JONES: Aye.

17 SECRETARY FARRELL: Peace?

18 COMMITTEE MEMBER PEACE: Aye.

19 SECRETARY FARRELL: Washington?

20 COMMITTEE MEMBER WASHINGTON: Aye.

21 SECRETARY FARRELL: Paparian?

22 CHAIRPERSON PAPARIAN: Aye.

23 This will be recommended for fiscal consensus
24 calendar as well.

25 I guess it would be a good time to take a

1 ten-minute break. We'll come back at 11 o'clock.

2 (Thereupon a recess was taken.)

3 CHAIRPERSON PAPARIAN: Okay. We'll start up
4 again.

5 Any ex partes, Mr. Jones?

6 BOARD MEMBER JONES: John Cupps.

7 CHAIRPERSON PAPARIAN: Ms. Peace.

8 COMMITTEE MEMBER PEACE: No, I don't have any.

9 CHAIRPERSON PAPARIAN: Mr. Washington.

10 COMMITTEE MEMBER WASHINGTON: None.

11 CHAIRPERSON PAPARIAN: And then I spoke with Kent
12 Stoddard of Waste Management regarding Bradley.

13 Ready for the next item?

14 ACTING DEPUTY DIRECTOR WALKER: Yes.

15 Item F is consideration of grant awards for the
16 Farm and Ranch Solid Waste Cleanup and Abatement Grant
17 Program, Fiscal Year 2002-2003.

18 This item will also be heard at Budget-Admin as
19 Committee Item L, and it is Board Item 29.

20 Carla Repucci will give the staff presentation.

21 CHAIRPERSON PAPARIAN: Before you do, we also
22 recently got from the Public Affairs Office a marketing
23 plan for this. It relates to the item. My suggestion
24 would be that we agendize that separately, perhaps next
25 month. Because it's a more general discussion than the

1 specifics of trying to get a few of these grants out there
2 and this agenda item.

3 ACTING DEPUTY DIRECTOR WALKER: Okay. We will do
4 that.

5 CHAIRPERSON PAPARIAN: Okay. Go ahead.

6 MS. REPUCCI: Good morning, Mr. Chairman and
7 Committee members. My name is Carla Repucci. And I will
8 present the Agenda Item F for the consideration of two
9 grant applications for Farm and Ranch Solid Waste Cleanup
10 and Abatement Grants.

11 (Thereupon an overhead presentation was
12 Presented as follows.)

13 MS. REPUCCI: The purpose of the Farm and Ranch
14 Grant Program is to clean up illegal disposal sites on
15 farm and ranch property where the owner has stipulated
16 that he or she is not responsible for the dumping.
17 Cities, counties, resource conservation districts, and
18 native American tribes -- that's not the right one, but
19 that's okay -- are eligible to apply for funds on behalf
20 of a farmer or rancher who has an illegal disposal site on
21 their property. Land owned by the public entity is also
22 eligible.

23 A property owner eligible for clean up through
24 this program is not required to pay back the funds.

25 There is \$1 million available for fiscal year

1 2002-2003, of which \$19,201 have been awarded to date.

2 --o0o--

3 MS. REPUCCI: This slide shows a snapshot of the
4 program as a result of the new legislation. Eligible
5 applicants now include resource conservation districts and
6 native American tribes, in addition to cities and
7 counties.

8 The amount available per site has increased to
9 \$50,000; the amount available per applicant, to \$200,000
10 per year; and the administrative costs increased to 7
11 percent.

12 Two applications were received for the third
13 quarter of this fiscal year. Both applications have been
14 reviewed for eligibility, score, and are being recommended
15 for approval today.

16 --o0o--

17 MS. REPUCCI: El Dorado County has requested
18 \$34,351 to clean up this site. Approximately 175 cubic
19 yards of waste have been illegally deposited into an
20 abandoned mine shaft. Only the top portion of the waste
21 is visible in this picture.

22 The mine shaft is located on a privately owned
23 9-acre parcel out of sight of the residence. The owner
24 has made several attempts to discourage the illegal
25 activities, but has been unsuccessful.

1 The owner would like to restore the property to
2 its original state of natural hillside and ranch land to
3 allow for the grazing of animals. The adjacent properties
4 are currently being utilized for grazing and raising of
5 horses.

6 The El Dorado Environmental Management Department
7 has determined that the property owner is not responsible
8 for the illegal disposal.

9 --o0o--

10 MS. REPUCCI: Colusa County has requested the
11 clean up of 6 sites, for a total grant request of \$21,046.
12 This is a photo of one of the sites. Colusa County
13 consists of 1100 square miles of rural farms and range
14 land. The sparsely populated areas provide the perfect
15 opportunity for illegal dumping to occur.

16 Every one of the 6 sites proposed for clean up is
17 actively farmed or used to raise animals. In addition,
18 each site is either located in a flood zone, in close
19 proximity to a creek, or on land that drains to the Colusa
20 National Wildlife Refuge.

21 --o0o--

22 MS. REPUCCI: All 6 sites are zoned exclusive
23 agriculture and contain a combined amount of approximately
24 1500 cubic yards of appliances, tires, household waste,
25 and furniture.

--o0o--

MS. REPUCCI: The Colusa County Public Works

Department has determined that the 6 property owners did not authorize the illegal disposal of waste on to their property.

If these two applications are approved, the waste will be removed from the land and all salvageable materials will be recycled and the remainder properly disposed.

Agenda Item F is for the consideration of two grant applications for Farm and Ranch Solid Waste Cleanup and Abatement Grants. Both of the grant applications meet the eligibility requirements set forth by the statute. Therefore, staff recommends the Board adopt Resolution 2003-188, authorizing the award of up to \$55,397 for the grant applications from El Dorado County and Colusa County and directing staff to develop and execute grant agreements.

I would be happy to answer any questions.

CHAIRPERSON PAPARIAN: Any questions members?

Mr. Washington.

COMMITTEE MEMBER WASHINGTON: Yeah, I'm supportive.

I wanted to find out in terms of the justification of the cleanups, now you say that these two

1 counties determined that -- and, I'm sorry, but maybe I
2 missed your exact words -- but in terms of getting the
3 grants, they have to determine that they didn't -- that
4 these are illegal dumpings. How are they determined --
5 who determines that from our operations that they're
6 telling the truth that they're illegal dumpings.

7 MS. REPUGGI: The statute requires that the
8 property owner sign an authorization stating they were not
9 responsible, and they're signing under penalty perjury.

10 COMMITTEE MEMBER WASHINGTON: So, again, my
11 question is, how do we ever know if they perjured or not
12 if -- and I hope I'm not making this a difficult question.
13 Within our operation, within the Integrated Waste Board,
14 how do we determine that they're telling the truth, is
15 what I'm trying to get to. Even though they sign --
16 people sign perjuries all the time even though they're
17 lying.

18 ACTING DEPUTY DIRECTOR WALKER: Let me touch on
19 that question.

20 What happens is that not only does a property
21 owner have this affidavit that they're required to sign,
22 but also the local government agency when they forward
23 over this application, they're also signing on that they
24 have determined that they're not responsible, so that they
25 gain some responsibility And then on top of that what

1 happens is when staff gets these applications, they review
2 them to determine if they meet program requirements. And
3 if there's any indication that that was not properly done,
4 that there really is a responsible party, then the
5 application would be rejected for filing. Or if there was
6 some question, then it would clearly score extremely low
7 in points and might not make the minimum score.

8 COMMITTEE MEMBER WASHINGTON: Yeah, and I guess I
9 was just concerned, Mr. Chair, in terms of, you know,
10 making sure that there is some way to remedy, because
11 again we don't live in a perfect world. And
12 unfortunately, you know -- and in these cases it's
13 probably absolutely true, the owners just don't know where
14 it came from. And I could take you through the district I
15 represented in the Legislature and find a thousand and one
16 spots where there are illegal dumpings taking place and
17 the owners have no clue. Right behind my church on Sunday
18 I saw a bunch of tires. And you guys have got me all
19 messed because now I want to go through this stuff and see
20 what was inert, what wasn't. It's driving me crazy.

21 (Laughter.)

22 COMMITTEE MEMBER WASHINGTON: And I do know that
23 it does happen. And I just wanted to kind of get a brief
24 synopsis as to how it take place. That's all.

25 CHAIRPERSON PAPARIAN: Ms. Peace, did you --

1 COMMITTEE MEMBER PEACE: Yes. My only question
2 is, once these sites are cleaned up, is there anything to
3 keep this from happening again on these sites?

4 MS. REPUGGI: Again, the statute requires that
5 the agency that submits the application has in place some
6 type of enforcement plan in place to try to keep it -- or
7 prevent it from happening again.

8 COMMITTEE MEMBER WASHINGTON: The answer is no,
9 huh?

10 ACTING DEPUTY DIRECTOR WALKER: There are certain
11 things that we found -- again, scoring also is -- part of
12 the scoring is the quality of the applicants, the local
13 government applicants' programs to prevent from
14 reoccurring. And granted it's -- you know, some of these
15 cases it's extremely difficult to completely eliminate.
16 But there's a number of things that they can do. You
17 know, certain things like fencing, signs, increased
18 surveillance activities, notifications, a number of
19 different things that are being done. And there's even
20 certain jurisdictions that are using cameras to monitor
21 just real, you know, problem sites where the public keeps
22 coming.

23 So there are some different things that they can
24 do and we look for in their applications. And once they
25 have really good programs, you know, they'll get a higher

1 score.

2 We also work with local jurisdictions on the
3 whole issue of illegal dumping and what they can do. And
4 we've had workshops on it and we've worked, you know, with
5 a lot of not just LEAs but other, you know, code
6 enforcement, other departments that have jurisdiction to
7 kind of look at ways to deal with this situation. And it
8 varies throughout the state, the different nature and what
9 you do and how you control it, and so -- but that's a
10 really good question. And I think we do a lot of work in
11 that area to try to make sure that the the best possible
12 is done to prevent the reoccurrence.

13 CHAIRPERSON PAPARIAN: Yeah, I think -- I'm
14 sorry. Go ahead.

15 COMMITTEE MEMBER WASHINGTON: Yeah, that's a
16 really good question. But the really good answer to that
17 is, no, it can't. I mean you can't guarantee it
18 because -- I mean even with putting up fences -- you come
19 to my district, people take couches and throw them over
20 the fence. And if they can't get it over the fence,
21 they'll throw it on the side of the road now. They don't
22 care. I mean I rode from L.A. to Fresno, and coming
23 through Fresno when I went to visit with Sarah Reyes, I
24 mean right off the side of the highway there's a bunch of
25 trash where people are just taking -- right here in Elk

1 Grove, you go through certain parts of Elk Grove right on
2 the side of the darn road where there's just open fields,
3 people just take the stuff and dump it.

4 So these programs are good for that reason,
5 particularly -- because this could become very expensive
6 if you start holding homeowners responsible for people
7 driving by and dumping their trash out there, you know,
8 just on their land. So these type of programs are
9 excellent for those type of programs -- for this type of
10 work.

11 CHAIRPERSON PAPARIAN: Yeah, I remember, Mr.
12 Washington, visiting one of these sites with an LEA, and
13 was told that they -- you know, and it's pretty well known
14 actually, these sites breed future illegal dumping. When
15 somebody knows some place is a place they can illegally
16 dump, it tends to attract future dumping. And I know that
17 LEA was able to work with -- we actually hooked her up
18 with the Air Resources Board that had some available
19 surveillance equipment. We didn't quite the right stuff.
20 And she used the ARB's surveillance equipment to try to,
21 you know, catch -- and I don't think she's been successful
22 yet. But one of the problems with enforcement is you
23 might get an illegal dumping incident once a month. You
24 can't really afford to have somebody out there for 24-hour
25 surveillance. But some of the modern cameras with motion

1 detectors can often capture that.

2 We had presentation at the LEA conference -- or
3 actually a booth at the LEA conference last year where a
4 vendor showed some pretty remarkable footage of being able
5 to very clearly see, you know, the driver of the truck,
6 the dumping going on, the license plate -- very clear to
7 read the license plate number and so forth. And I think
8 that's the kind of thing we need to encourage more of to
9 prevent this kind of thing from happening.

10 COMMITTEE MEMBER WASHINGTON: Oh, you're
11 absolutely right, Mr. Chair. And I just briefly will say
12 this, that when I was in the Legislature I provided for
13 Jim Hahn, who was the city attorney, who's now the mayor
14 of L.A. for his abatement program exactly what you just
15 said. We gave them -- I provided them with about a
16 million dollars and they set up cameras. And they did it
17 particularly in disadvantaged neighborhoods. That's where
18 people just seemed to have no qualms with dumping. And I
19 mean the result of that has been tremendous in Los Angeles
20 in terms of catching those folks who were just driving by.
21 I mean they're taking trash from other neighborhoods and
22 just coming by with the truck and dumping it, with no
23 hesitation about it.

24 So you're correct.

25 CHAIRPERSON PAPARIAN: Okay. Mrs. Peace.

1 COMMITTEE MEMBER PEACE: I think one of the
2 problems that I see, at least in my area with the illegal
3 dumping is it costs a lot of money to take your stuff to
4 the dump. And so a lot of people I think with good
5 intentions are on their way to take this stuff to the
6 dump, then they find out it's going to cost them \$20, \$30,
7 \$50 to dump their stuff, they say, "Forget that," and they
8 take off and dump it along side the road somewhere. So, I
9 don't know, maybe that's something we can address later.

10 COMMITTEE MEMBER WASHINGTON: And sometimes they
11 avoid paying the money because most people they go and
12 they get paid for taking up people's dumping. Then they
13 just take it and they illegal dump it. So they don't want
14 to pay for the services they provided for a particular
15 situation where someone paid them to take their dump to
16 the dumping place, and they just don't do it. They try to
17 save that money too.

18 COMMITTEE MEMBER JONES: Mr. Chair.

19 CHAIRPERSON PAPARIAN: Mr. Jones.

20 COMMITTEE MEMBER JONES: Just really quickly. Do
21 your people look for addresses and stuff? I mean you've
22 got a picture of a car. It's got a vehicle I.D. number.
23 Do you run those I.D.'s. Because if that -- I mean that
24 was either a Cadillac or an Oldsmobile. It's got a
25 vehicle I.D. on it. Run the number --

1 COMMITTEE MEMBER WASHINGTON: That was a Cadillac
2 on that picture.

3 COMMITTEE MEMBER JONES: That's what it looked
4 like.

5 COMMITTEE MEMBER WASHINGTON: It's a Cadillac
6 Seville that was on that picture.

7 (Laughter.)

8 COMMITTEE MEMBER JONES: Run the vehicle I.D. If
9 it belongs to the property owner, then I think you've got
10 pretty much a slam dunk case. And then look for
11 addresses. That's what we used to do when they'd dump
12 outside our gate.

13 I want to move adoption of Resolution 2003-188,
14 consideration of the grant awards for the Farm and Ranch
15 Solid Waste Cleanup and Abatement Grant Program for Fiscal
16 Year 2002-2003, in the amount of \$21,046 to El Dorado
17 County and \$34,351 to Colusa, or the other way around --
18 whatever.

19 CHAIRPERSON PAPARIAN: Okay. There's a motion.

20 COMMITTEE MEMBER WASHINGTON: Second.

21 CHAIRPERSON PAPARIAN: And there's a second.

22 Secretary, call the roll.

23 SECRETARY FARRELL: Jones?

24 COMMITTEE MEMBER JONES: Aye.

25 SECRETARY FARRELL: Peace?

1 COMMITTEE MEMBER PEACE: Aye.

2 SECRETARY FARRELL: Washington?

3 COMMITTEE MEMBER WASHINGTON: Aye.

4 SECRETARY FARRELL: Paparian?

5 CHAIRPERSON PAPARIAN: Aye.

6 So that'd be a candidate for fiscal consensus
7 recommendation.

8 This will be going to the Budget and Admin
9 Committee as well.

10 Item 30.

11 ACTING DEPUTY DIRECTOR WALKER: Okay. Board Item
12 30, which is Item G, is consideration of a Revised Full
13 Solid Waste Facilities Permit (disposal facility) for the
14 Palo Verde Solid Waste Site, Imperial County.

15 And Leslee Newton-Reed will provide the staff
16 presentation.

17 MS. NEWTON-REED: Good morning.

18 The Palo Verde Solid Waste Site is a small
19 landfill located in the northeast corner of Imperial
20 County. The site is owned and operated by the County of
21 the Imperial, Department of Health and Public Works.

22 Land ownership has recently changed from the
23 Bureau of Land Management to the County of Imperial. The
24 proposed permit encompasses changes that are already in
25 effect. An increased tonnage from less than one ton per

1 day to five tons per day. A change in the permitted
2 boundary from 40 acres to 31.25 acres, to reflect the land
3 exchange with the Bureau of Land Management.

4 It has a defined disposal footprint of 9.4 acres
5 out of a total of 40 acres. And a change in permitted
6 hours from 24 hours per day, 7 days a week, to Sunday and
7 Monday from 7 a.m. to 4 p.m.

8 On February 10th, 2003, Board staff performed a
9 pre-permit inspection of the facility. Staff documented
10 two violations of Public Resources Code Section 44014(b),
11 compliance with terms and conditions of the permit, and
12 Title 27 California Code of Regulations Section 21600,
13 report of disposal information.

14 Both of these violations will be corrected by the
15 concurrence and issuance of the permit.

16 Following an LEA evaluation completed on March
17 26th, 1999, it was determined that 9 county landfills were
18 operating with outdated, quote-unquote, "disco" permits
19 issued in the late seventies and early eighties.

20 The LEA has been making progress in addressing
21 the outdated permits in their jurisdiction. And as
22 required by the LEA's workplan, 7 of these permits were
23 updated in 2001.

24 The revision to this permit was delayed due to
25 some CEQA issues and the Bureau of Land Management land

1 exchange.

2 The remaining permit requiring update in Imperial
3 County is for the Brawley Cut and Fill Site.

4 In the Board's strategic plan, one target was to
5 update all permits that were issued prior to 1990. At
6 that time, there were proximately 69 of these outdated
7 permits on record. Since then, 55 of these permits have
8 been revised or surrendered for the facilities have
9 closed.

10 If the Board concurs in adopting this permit,
11 only 13 old permits would remain to be updated.

12 As indicated on page 30-4 of the agenda item,
13 Board staff have determined that all other requirements
14 have been met, including consistency with the newly
15 approved closure regulations. Therefore, staff recommends
16 that the Board adopt Solid Waste Facilities Permit
17 Resolution number 2003-189, concurring in the issuance of
18 the solid waste facility Permit Number 13-AA-0007.

19 The operator and the LEA are here to answer your
20 questions.

21 This concludes staff's presentation.

22 CHAIRPERSON PAPARIAN: Any questions?

23 Mr. Washington.

24 COMMITTEE MEMBER WASHINGTON: Just a question in
25 terms of the hours. We just had some discussion in terms

1 of illegal dumping. And as soon as you said the hours,
2 that came to my mind that this potentially can cause
3 illegal dumping. Why would they go -- and the operator or
4 whoever wants to come to manage it, why would they go from
5 7 days to 2 days?

6 MR. de BIE: Let staff start addressing your --
7 and then I believe the operator can add in more details.

8 CHAIRPERSON PAPARIAN: Okay. Go ahead.

9 There is a transfer station that's active at the
10 site. So that the landfill is only going to be open for
11 direct deposit of waste the two days. And this will also
12 allow site personnel to be on-site when there's active
13 disposal of solid waste at the landfill. Before it was
14 kind of open and with limited amount of supervision. So
15 this will narrow it down. Much of the waste is going
16 through this small transfer station now.

17 But, again, the operator can give you more
18 details if you want.

19 COMMITTEE MEMBER WASHINGTON: No, I think that's
20 significant enough. I was just concerned. I know it's a
21 small site. And I was just talking to my staff about
22 visiting. And they told me to look at the map. And I
23 might have to have you just send me some slides.

24 (Laughter.)

25 COMMITTEE MEMBER WASHINGTON: So that answers my

1 question. Thank you.

2 CHAIRPERSON PAPARIAN: Okay. Any other questions
3 members?

4 Mr. Jones.

5 BOARD MEMBER JONES: Mr. Chair, I'll move
6 adoption of Resolution 2003-189, the consideration of a
7 revised Full Solid Waste Facility Permit (disposal
8 facility) for the Palo Verde Solid Waste Site in Imperial
9 County.

10 COMMITTEE MEMBER PEACE: Second.

11 CHAIRPERSON PAPARIAN: Okay. Moved by Mr. Jones,
12 seconded by Mrs. Peace.

13 Secretary, call the roll.

14 SECRETARY FARRELL: Jones?

15 COMMITTEE MEMBER JONES: Aye.

16 SECRETARY FARRELL: Peace?

17 COMMITTEE MEMBER PEACE: Aye.

18 SECRETARY FARRELL: Washington?

19 COMMITTEE MEMBER WASHINGTON: Aye.

20 SECRETARY FARRELL: Paparian?

21 CHAIRPERSON PAPARIAN: Aye.

22 Candidate for consensus?

23 Yes.

24 Okay. Thank you very much.

25 Thank you for coming up here.

1 The next item. As we noted in the agenda, this
2 is the Bradley item, and it's not coming up for a vote or
3 for substantive discussion today.

4 But we wanted to allow a couple things, and I'll
5 try to explain that here in a second.

6 I did want to thank all the P&E Committee members
7 who attended the Bradley workshop. Chair Linda
8 Moulton-Patterson also attended that workshop. I also
9 want to thank our IT Department for their commitment to
10 broadcasting the workshop. Bob Davila and Gary A-K went
11 through a tremendous effort in their busy schedules to
12 ensure that we could provide access via the internet to an
13 audio broadcast to all who wanted it.

14 I believe that workshop was an important step to
15 show the Board's commitment to Sunshine when it comes
16 to -- perhaps that's not the right term -- in the context
17 of the San Fernando Valley, but to openness when it comes
18 to providing access to our public meetings.

19 I know that the 13th was a long night, and it
20 wasn't easy on anyone. But I believe it was an important
21 step. I think it was important to have a meeting in the
22 community, because I believe we had a -- some disconnects
23 between the community and the operator, and with some
24 added interest from state legislators.

25 Bradley is unlike a couple of the other bigger

1 facilities in some ways, Sunshine and Puente Hills
2 specifically, both of which have done a lot of community
3 outreach and have in place some mechanism for ongoing
4 information sharing.

5 I believe Mr. Stoddard or Mr. -- actually Mr.
6 Stoddard or Mr. White are available to address what
7 they've been doing since the workshop relative to meeting
8 with the community, and their ongoing commitment to
9 continue that dialogue.

10 Mark de Bie of the P&E staff and Kit Cole of my
11 staff have been spending a couple days a month in Los
12 Angeles, maybe it's even more recently, attending some of
13 the follow-up meetings between the community and the
14 operator and helping to answer questions about our
15 processes and helping to facilitate the ongoing
16 communication between the operator and some of the
17 community members.

18 Additionally, I believe Council Member Galanter
19 is putting together the members of a community advisory
20 committee, which she hopes will meet two or three times
21 before her term on the council is finished in June.

22 COMMITTEE MEMBER WASHINGTON: She's done.

23 CHAIRPERSON PAPARIAN: Is she --

24 COMMITTEE MEMBER WASHINGTON: She turned it over
25 the Tony --

1 CHAIRPERSON PAPARIAN: Oh, has she already left
2 the Council?

3 Okay. I know that -- you know, at that workshop
4 we had pretty high emotions. But I believe it was a
5 constructive way for us to hear directly from the
6 community and the people who have been involved in some of
7 the technical aspects of the landfill on behalf of the
8 applicant.

9 In terms of the item here before us today, again,
10 I mentioned Mr. Stoddard is available if we have questions
11 about what they've been doing with the community; or if
12 Board members have comments about the February 13th
13 workshop or if we have anything that we want to ask of
14 staff that we would like them or the operator to provide
15 between now and next week's Board meeting.

16 I think, Mr. Walker, you might have a brief
17 update on --

18 ACTING DEPUTY DIRECTOR WALKER: Yeah, I have --
19 Mark de Bie will provide you an update on a couple of the
20 specific items.

21 MR. de BIE: Thank you, Scott.

22 Mark de Bie with Permitting and Inspection.

23 I believe you just received a corrected version
24 of the permit that staff received on Friday. It makes
25 changes to findings 13E relative to the citations as a

1 CEQA document used by the LEA to make a finding in support
2 of the permit. So this is the latest greatest version of
3 the permit. Again, it only makes one change in findings
4 13E, and now references a mitigated Neg Dec, Number
5 94-030-ZV, and removes a reference that was erroneously
6 placed in the permit prior to a 1991 SEIR, which is either
7 a supplemental or subsequent. So it corrects that and
8 makes a proper reference in that finding.

9 The other thing we wanted to update you on is
10 that Board staff has done a follow-up to their pre-permit
11 inspection that was completed on Friday of last week. And
12 no state minimum standard violations were identified
13 during that inspection. However, the continuing
14 violations of the permit were noted. And, again, with the
15 current version of the proposed permit that's received,
16 those permit violations would be corrected, you know, if
17 and when that permit's issued.

18 A corrected permit was handed out to you. And
19 there's copies in the back of the room. And we'll be
20 submitting it for notice on the web as soon as we can.

21 CHAIRPERSON PAPARIAN: Okay. So for people
22 listening in on the internet, if they wanted to see that
23 change, are you expecting that later today on the Internet
24 site?

25 MR. de BIE: Later today.

1 CHAIRPERSON PAPARIAN: Okay. Any questions,
2 members, or anything you'd like staff to do or the
3 applicant to provide between now and next week when we
4 have our hearing on this item?

5 COMMITTEE MEMBER JONES: I don't have anything on
6 this particular one. I actually visited the site right
7 after the biggest rainfall, some of us did, where there
8 was mud rolling down the streets. And it was all coming
9 from a building construction site. Everything around the
10 landfill held, all the site slopes held.

11 The work that's in the regrade probably should be
12 an example of exactly what people try to do to make a site
13 more environmentally sound. And I'm not sure that that
14 came out in the workshop. And for that, I think that that
15 was a disservice to the public, because we needed to let
16 people understand the improvements to that facility to
17 protect health and safety. I thought it was one of the
18 better sites that I've seen, and I've been doing this for
19 a while. But I think it's important that the public has
20 access.

21 But I also think it's important that the LEAs --
22 that we support the LEAs with clear direction. And while
23 I think there were comments made earlier about a mistake
24 made by the LEA, that mistake was determined by our staff
25 as to how they addressed this. And I'm not sure that I

1 agree. I guess I wonder when an LEA gets written up on an
2 LEA evaluation because of a misunderstanding or because of
3 a difference of opinion between Board staff and the LEA,
4 what's the recourse for the LEA? They've got to come in
5 front of this Board and object to the finding? It's never
6 happened, that I know of.

7 But, clearly, you know, when the 800 pound
8 gorilla is the Integrated Waste Management Board and it
9 becomes "my way or no way," we need to look at that,
10 because that is a disservice, you know. LEAs have certain
11 discretion that we need to honor. And we continually
12 don't do that.

13 So I would, unfortunately, have to bring this
14 issue up in the context of Bradley, but I do think it's
15 something we need to address some day.

16 CHAIRPERSON PAPARIAN: Okay. Well, that was good
17 practice for our discussion next week. Again, I don't
18 really want to get into the substance of the permit here.
19 I think we're going to have a lot of interest next week.
20 I know the applicants are I believe planning to have some
21 of their technical folks available or people who were, you
22 know, from the site. And I know that we've heard interest
23 from the community. And I don't have a sense of how many
24 people may be coming up from the community, but I think
25 we're expecting to here some people from the community who

1 will have some things to say about it as well.

2 Again, anything else for the staff that we'd like
3 them to do between now and next week? No?

4 Okay. Thank you.

5 Now, is this -- do we know -- maybe, Mark, you
6 might know. I don't know -- do we know which day this is
7 expected to come up?

8 EXECUTIVE DIRECTOR LEARY: No, we haven't really
9 decided yet. It occurs to me that we ought to designate
10 one day or another obviously out of consideration of
11 community input on this one. But the Chair and I haven't
12 finalized our discussions. But we will time-certain this
13 one as well as the C&D item.

14 CHAIRPERSON PAPARIAN: I think that'll be
15 important.

16 Okay. Thank you.

17 Next item.

18 ACTING DEPUTY DIRECTOR WALKER: Next Item is Item
19 J, which is discussion and request for rulemaking
20 direction on noticing revisions to the proposed waste tire
21 monofill regulatory requirements for an additional 15-day
22 comment period.

23 Georgianne Turner will provide the staff
24 presentation.

25 MS. TURNER: Good morning, members of the

1 Committee.

2 As you're aware, the Board has determined where
3 tires are monofilled that specific design standards are
4 necessary to minimize the potential for heating of
5 stranded tires that may lead to combustion and reduce the
6 extent of burn time and environmental impacts of shredded
7 tire fires if it were to occur.

8 Since current regulations do not provide these
9 specific provisions, the Board directed staff to draft the
10 proposed tire monofill regulations before you.

11 Staff prepared a 45-day public notice that ran
12 between September 6th and October 21st of last year. As
13 an element of that 45-day comment period, the Board held a
14 public meeting for the regulations at its November P&E
15 Committee meeting.

16 Additionally, in December staff attended a public
17 meeting in Copperopolis in Calaveras County to receive
18 additional comments on the regulations.

19 In January staff presented to the Board the
20 revised proposed regulations to address comments that they
21 received.

22 The P&E Committee directed staff to notice the
23 regulations for an additional 15-day public comment
24 period. The comment period ran from January 17th to
25 February 3rd, 2003. During this time Board staff received

1 comments from industry representatives and residents
2 surrounding the California Asbestos Monofill Facility near
3 Copperopolis in Calaveras County.

4 Staff made additional changes to the proposed
5 regulations based on those comments and by working closely
6 with Bob Fujii of the Board's Waste Tire Management Branch
7 and in consultation with Dr. Dana Humphrey, an expert in
8 the field.

9 The major changes to the regulations include
10 adding flexibility to the daily cover standard. This new
11 language allows the Board and LEAs to approve alternative
12 amounts of organic material allowed in soil used as daily
13 cover. Additionally, we added clarity to the daily cover
14 standard and clarified language in the intermediate cover
15 section which describes the distance of -- the amount of
16 soil in between cells.

17 Board staff did receive comments that we
18 considered, but we did not address in this version of the
19 regulations. And I would like to briefly go through why
20 those changes were not made.

21 The residents of Copperopolis commented on the
22 need for an independent review of permit applications,
23 monthly inspections, and the requirement for operators to
24 post a bond in the event that site remediation is needed.

25 Those were not addressed because staff believed

1 that the regulations already address these issues.
2 Currently the Board does conduct a separate review of
3 permit applications. The tire monofills will be required
4 to be inspected monthly as all the landfills in the state
5 are. And these sites will also be required to meet the
6 same financial assurance requirements as our landfills do
7 now.

8 Additionally, residents of Copperopolis commented
9 that the regulations should require the State Fire Marshal
10 to review and endorse a waste tire monofill permit.

11 However, the authority to review a fire
12 prevention control and mitigation plan, which is a
13 requirement of the permit application, falls under the
14 local fire district. Also, neither agency -- that would
15 be the State Fire Marshal or the local fire district --
16 would have the authority to review or approve solid waste
17 facility permits or their applications.

18 However, the Board has contracted with the State
19 Fire Marshal offices to provide training to local
20 districts on tire fire issues. And the State Fire Marshal
21 is available to local fire districts for assistance if
22 they request it.

23 Lastly, the residents of Copperopolis commented
24 on the fact that the regulations should require a liner.
25 The proposed regulations require an emergency containment

1 system that limits the flow of any contaminated liquids
2 resulting from the fire. Specific liner requirements,
3 however, fall under the authority of the State Water
4 Quality Control Board. Staff have been working with the
5 State Water Quality Control Board on this issue.

6 Industry representatives requested flexibility
7 for all standards in the regulations due to the facts that
8 science in this area is still evolving. Staff did not add
9 this overall flexibility to the regulations; but, rather,
10 dealt with specific standards that industry requested
11 flexibility to include.

12 For example, we added flexibility to the cover
13 standard, the number of active faces that are allowed, and
14 cell dimensions.

15 We did not address the flexibility, however, in
16 the construction and design standard. And the reason for
17 this is because staff feels that this is a fairly
18 performance-based standard already, as well as many of the
19 other standards in the regulations, and already allows for
20 flexibility. This decision was made based on discussions
21 with Dr. Humphrey in the Board's Waste Tire Management
22 Branch.

23 I understand from discussions with Chuck White
24 and George Larson this current -- the current regulation
25 package before you does not meet their needs for

1 flexibility in this area.

2 And staff will continue to work with stakeholders
3 on this issue during this next 15-day comment period.

4 Therefore, I think -- I know that we have some
5 commenters that would like to comment.

6 CHAIRPERSON PAPARIAN: Can I ask a question. I
7 know that when we had the last meeting where we discussed
8 this, some representatives from Copperopolis, community
9 members from Copperopolis raised this question about the
10 fire district.

11 Do the regs themselves grant any -- do they speak
12 for the local fire district at all or the responsibility
13 there at all?

14 MS. TURNER: The regulations require that the
15 fire prevention in control plan be approved by the local
16 fire department -- or fire district rather.

17 CHAIRPERSON PAPARIAN: Yeah. And I think the
18 concerns, as I recall that were raised, were that their
19 little local fire department in Copperopolis may not have
20 the sort of depth of expertise that an urban fire
21 department might have. And I think that they may be a
22 volunteer fire department for the most part.

23 MS. TURNER: Right. I think -- and that is one
24 of the reasons why our contractor with the State Fire
25 Marshal's office has provided -- has worked in developing

1 some training for these local jurisdictions or districts
2 on tire fires.

3 Also -- and Bob Fujii I think is here, and he
4 might be able to speak a little bit more to the contract
5 that we have with them and the work we've been doing with
6 them.

7 They also went to our meeting in Copperopolis and
8 spoke to the community members about this issue and that
9 they are available for assistance if the local district
10 asks for it.

11 CHAIRPERSON PAPARIAN: Do the regs as they're
12 written allow that? If the local district feels that they
13 aren't capable of dealing with this, you know, the
14 complexity of the issue --

15 MS. TURNER: Then they can request -- then they
16 can request assistance from the State Fire Marshal's. And
17 we do have a relationship now because of the tire fires
18 with the State Marshal's Office. So they could tap into
19 some of our expertise as well as -- expertise even outside
20 of their agency.

21 CHAIRPERSON PAPARIAN: Is that as clear as it
22 needs to be in regulation then, that they can do that?

23 MS. TURNER: I think that that authority is
24 already outlined. And Mark or Bob could help me more if
25 I'm not clear. But this authority would fall under the

1 State Fair Marshal's regulatory realm more than ours. We
2 can't really dictate how the State Fair Marshal's Office
3 works with the local jurisdictions. That's already set up
4 in their framework.

5 CHAIRPERSON PAPARIAN: Okay. Let me think about
6 that a little bit.

7 Any other quick questions before we go to our
8 speaker?

9 MR. de BIE: Mark de Bie, if I could add too.
10 The way staff has approached this, in consultation again
11 with Dr. Humphrey and our tire group, is on prevention of
12 fires. And so the standards in terms of design and
13 operation are focused on that in terms of size of shred
14 and type of cover and frequency of cover and all those
15 sorts of things.

16 So there are standards embedded in these
17 regulations that are totally designed to prevent fires
18 from occurring.

19 We've also added on some requirement in the
20 application process for a permit for one of these sites
21 that there be a comprehensive plan put together for both
22 prevention and control as well as mitigation if there is a
23 fire that results. And we have added in a requirement
24 that evidence be demonstrated that the local fire
25 authority has had an opportunity to be active in reviewing

1 and approving that plan.

2 Just to affirm again what Georgianne said, it's
3 our understanding that one of the roles of the State Fire
4 Marshal is to be available to local districts to consult
5 on fire prevention and control. And so we would, you
6 know, expect that to continue.

7 We've added in a review of these plans by the LEA
8 as well as Board staff. And we will tap into our
9 resources to review those plans as well as part of the
10 permitting process.

11 CHAIRPERSON PAPARIAN: But if the local fire
12 district were to say, you know, they don't have the
13 expertise to deal with what's called for under the
14 regulations, and they wanted to ask the State Fire Marshal
15 to sign off on it, could the State Fire Marshal do that?

16 MS. TURNER: My understanding is that the State
17 Fire Marshal would provide them with assistance to approve
18 it. So the approval would still come from the local
19 level. That's my understanding.

20 MR. de BIE: Again, it's our understanding the
21 State Fire Marshal does not have the authority or
22 responsibility to sign off on those things. It's fully
23 with the local district. They act as a consulting body
24 for districts, but they don't have the authority to do
25 that. They know what the standards are and what should be

1 there, and they work through the districts.

2 CHAIRPERSON PAPARIAN: Mr. Jones.

3 COMMITTEE MEMBER JONES: So the fire marshal -- I
4 mean the State Fire Marshal at the request of I guess
5 either the local fire department or the EA could help
6 ensure that the standards -- that whatever requirements a
7 of local fire department put on would meet the standards
8 that would be the most preventative; and so, therefore,
9 the locals wouldn't be missing something for lack of not
10 knowing?

11 MS. TURNER: Yes.

12 COMMITTEE MEMBER JONES: Okay. Because
13 everything that you've put in this package makes sense to
14 me.

15 Under 1220, we can only regulate the LEAs. So
16 the fact that you've got the LEAs, you know, helping them
17 to create the fire plan and those types of things means
18 the LEA is going to be doing some enforcing a lot of those
19 standards, correct?

20 MS. TURNER: That's correct. And just to add to
21 that, the Board does have specific authority to approve
22 any kind of alternatives. And also if we on the -- of
23 course our major concern is that if there was a fire,
24 there would need to be some containment of the fire and
25 any of the material, water, what have you, that would

1 result from that fire would be contained. And the Board
2 does have specific approval over that.

3 So that also adds additional expertise when
4 reviewing these packages.

5 COMMITTEE MEMBER JONES: All right.

6 CHAIRPERSON PAPARIAN: Okay. Chuck White we have
7 a speaker slip from.

8 MR. WHITE: Thank you very much, Mr. Chairman,
9 members of the Committee. Chuck White with Waste
10 Management.

11 For the most part these regulations are an
12 excellent set of standards for the construction operation
13 of tire monofills.

14 They're really the first set that we know of in
15 the nation where a regulatory agency has set out a
16 standard for waste tire monofills. The staff has been
17 very cooperative. We've had some excellent discussions
18 over the course of the last few months.

19 And as the regulations are stated, I think they
20 work well the way they're written. The only area that we
21 have one concern about is with respect to ability to
22 provide some flexibility, particularly with the section
23 that begins on page 9 of 12 of the regulations, Design and
24 Construction Standards Section 17346.6. Most of the
25 agencies and -- you know, for example, the water boards

1 have the ability to come up with engineered alternatives
2 within regulations. We would like to have some kind of
3 provision that would provide some additional grant
4 flexibility in this section. And in fact the Board in
5 other parts of these regulations, for example, on page 7
6 of 12, there's a paragraph 10 that says the operator may
7 propose to the EA and the Board alternative operating
8 criteria. But that only pertains to the criteria in that
9 one section, not the entire rulemaking package and not
10 that one section 17346.6, design and construction
11 standards, that I made reference to.

12 And for the most part that section is
13 performance-based standards. But there is some language
14 that could cause difficulty down the road if there isn't
15 ability to provide some flexibility. And I'll -- just to
16 give you one example draw, I'll draw your attention to, on
17 page 10 of 12, there's Subdivision C. And in the fourth
18 line down -- the third and fourth and fifth line down it
19 says, "The design and construction of tire monofill must
20 allow for the rapid removal of storm water and water that
21 accumulates in the monofill."

22 Now, we have absolutely no problem with that
23 standard. The question is, what does "rapid" mean? And
24 will it be consistent with whatever a regional water
25 quality control board may have specified with respect to

1 in the landfill, which is their primary purview of the
2 water. An example would be -- you may have a tire
3 monofill that is loosely packed with tire shreds, and any
4 water that might accumulate may be very easy to remove in
5 a very rapid fashion.

6 But an alternative proposal might be where you
7 have tire shreds tightly packed with tailings, for
8 example, for which rapid may not be possible. Simply it's
9 going to take some time to draw the water out and remove
10 it.

11 So we would just simply like to be able to have
12 some flexibility and making sure that down the road we
13 don't have any conflict with whatever a regional water
14 board might say with respect to the management of water
15 within that particular cell.

16 So -- and we have no problem with this regulation
17 going out for another 15-day re-notice, and as Georgianne
18 indicated, we'd like to be able to continue the
19 discussions with staff to be able to see if we can resolve
20 this one outstanding area of concern and allow us to have
21 a little more flexibility within the standards that are
22 established in the design and construction standards, this
23 one section that's on pages 9, 10, and 11 of the proposed
24 rules.

25 CHAIRPERSON PAPARIAN: Mr. Jones.

1 COMMITTEE MEMBER JONES: On this Subsection C,
2 it's talking about rain water runoff that would be going
3 into sump area.

4 MR. WHITE: Right.

5 COMMITTEE MEMBER JONES: And the rapid removal of
6 the water from the sump area, I don't think they're
7 talking about -- maybe I'm misunderstanding. But in the
8 day-to-day operations of monofill, I mean water should be
9 diverted except over the open face.

10 MR. WHITE: We totally agree.

11 COMMITTEE MEMBER JONES: So all you're talking
12 about is the removal from a lined sump?

13 MR. WHITE: Well, from a cell that may have water
14 yet accumulate, we may not be able to remove it rapidly.
15 We may have to remove it over a period of time. And
16 that's just an example of where we'd like to be able to
17 have some flexibility to be able to do that. And we're
18 just concerned that, you know, down the road when we get
19 into interpreting this, there may not be the flexibility
20 built in.

21 I don't have any problem with these rules the way
22 they're written. I'd just like to have an opportunity
23 to -- if I have a particular definition of "rapid," to be
24 able to petition the Board and the LEA at some later date
25 and not be stuck and say, "Oh, no, the regulations say

1 rapid. You have no choice but remove it rapidly,"
2 whatever that is. So all I'm asking is that you put some
3 flexibility in interpretation down the road.

4 COMMITTEE MEMBER JONES: For our staff.

5 What we're talking about in this area -- I can
6 understand some of the flexibility on how quick is quick.
7 But that section and -- I mean you're not envisioning the
8 dewatering of an active cell indiscriminate -- I mean at
9 various points within a cell? I mean we're talking about
10 runoff that is channeled and collected into a sump area.
11 You're not -- I mean I'm a little nervous if the
12 interpretation is that operators have to go into cells and
13 start dewatering. It's not going to happen.

14 You're talking about the sump collection areas,
15 right, that would be engineered to collect that rain water
16 runoff and that waste runoff on this particular section?

17 MR. de BIE: Let me attempt. And then we'll ask
18 Bob Fujii, who's here.

19 Again, as I said before, a lot of these standards
20 are designed to address the fire issue. And water in
21 contact with shreds does indirectly result to conditions
22 that could result in elevated temperatures.

23 And so just to address something that Mr. White
24 said about conflict with the regional board and their
25 issues. This is in here purely from a preventative

1 measure for looking at a potential fire, not for water
2 quality issue.

3 And then I'll pass it on to Bob to give you
4 details of why it was constructed the way it was.

5 MR. FUJII: Bob Fujii, Special Waste Division.

6 I think the answer to your question, Board Member
7 Jones, is that it's kind of -- it's not just an
8 accumulation on the cells. I mean as Mark pointed out, we
9 are interested in preventing the conditions that would
10 lead to the spontaneous combustion of tire chips. And
11 water -- moisture in a cell is one of those conditions
12 that we would be concerned about. And so I think the
13 intent of this section is to eliminate that condition from
14 existing.

15 Now, you know, we certainly would have discussion
16 with Waste Management over what the term "rapid" means.
17 But I think in our view, we would see that as, you know,
18 the need to remedy that condition as soon as possible.
19 Because, again, I mean there are several conditions that
20 lead to that spontaneous combustion reaction, presence of
21 moisture being one of them. So along with removal of the
22 surface water, you know, there would be water that would
23 accumulate in the cell. And I would agree with Chuck,
24 that, you know, in certain situations that might not be
25 practical, depending on the configuration of the cell,

1 what's in the cell, that kind of thing. But I think to
2 answer your question, it would just be the surface water
3 we'd be concerned about. It would be the accumulation of
4 water also in the cell itself.

5 COMMITTEE MEMBER JONES: Yeah, it's later in
6 that -- later in that it does say must allow for that
7 rapid removal of storm water that accumulates in the
8 monofill.

9 How do you -- I mean that's engineering. That
10 would be a disaster to try to figure out how you're going
11 to even -- how you're even going to be able to accomplish
12 that.

13 MR. FUJII: Well, I think what we're talking
14 about in -- there's going to be some kind of a leachate
15 collection system in the cell itself, you know, some
16 impermeable liner underneath it. And I guess what we're
17 envisioning is that they would take water out -- you know,
18 moisture of what accumulates in those sumps. I mean you
19 couldn't pump water out --

20 COMMITTEE MEMBER JONES: Through a regular
21 leachate removal system.

22 MR. FUJII: Exactly.

23 COMMITTEE MEMBER JONES: Which always draw water
24 rapidly.

25 MR. FUJII: Well, to the extent it accumulates in

1 there, right.

2 COMMITTEE MEMBER JONES: All right. If that's --
3 then I can understand that.

4 MR. WHITE: And we would certainly agree that we
5 don't want to have any conditions involving water that
6 would pose a fire hazard. And we certain to remove water
7 if there's any danger. But if we have like a loosely
8 packed shred, it is possible to get the water out quickly,
9 and there may be a higher concern over fire. But if you
10 have a situation where you have tire shreds that are
11 packed in with line tailings so there's no void spaces,
12 there's no air spaces, and it be difficult to remove it
13 rapidly and it may not even be a need to remove rapidly.
14 But we need to still have a means of removing, which we
15 will provide for. But we need -- the question is, I just
16 want a little more flexibility to be able to design that
17 removal system and to be able to meet the real needs,
18 which is to ensure there's a minimum amount of fire
19 danger.

20 CHAIRPERSON PAPARIAN: So I think -- staff I
21 think understands the issues raised here. We'll consider
22 on the next round, right?

23 Okay. That's a yes or no question.

24 MS. TURNER: Yes, we were getting into a little
25 bit of conversation behind here to make sure that we do

1 understand the issue. And I think we do, yes.

2 CHAIRPERSON PAPARIAN: And then over the next
3 15-day comment period you said you're going to be talking
4 with the stakeholders. And presumably the stakeholders
5 will include some of the representatives from Copperopolis
6 that you've been in contact with before.

7 MS. TURNER: Yes. We will notice everybody who
8 commented on this version.

9 CHAIRPERSON PAPARIAN: Okay. So our role here is
10 not to pass a resolution but is to indicate that we're
11 comfortable with them going forward for the next 15-day
12 comment period.

13 MR. de BIE: Mr. Chair.

14 CHAIRPERSON PAPARIAN: Mr. De Bie.

15 MR. de BIE: Sorry.

16 CHAIRPERSON PAPARIAN: Go ahead.

17 MR. de BIE: To assist in moving this regulation
18 package on a little bit faster, staff would propose that
19 in the version that is noticed for 15 day coming up, that
20 we strike the word "rapid." And in doing so if someone is
21 opposed to that, they can certainly comment and we can put
22 it back in and have justification for that. If no one is
23 opposed to it, then we could potentially avoid another
24 15-day comment period.

25 Since I'm looking at Bob, and he has no issue

1 with that, we can certainly notice again this version of
2 the regs with that word stricken.

3 CHAIRPERSON PAPARIAN: Okay. Any problem with
4 that? I don't see any problem with that.

5 Staff is comfortable with that. So that seems
6 fine.

7 So you have our blessing to go forward and put it
8 out for another 15-day comment period.

9 Thank you very much.

10 MS. TURNER: Thank you.

11 CHAIRPERSON PAPARIAN: Let me do a little agenda
12 checking here.

13 Mr. Walker, the next item on the agenda is an
14 update item. About how long do you think that would take?

15 ACTING DEPUTY DIRECTOR WALKER: I think Darryl
16 has indicated about ten minutes.

17 CHAIRPERSON PAPARIAN: Okay. And then the state
18 audit item, how long do you think that will take?

19 ACTING DEPUTY DIRECTOR WALKER: That would be
20 about 15 to 20 minutes, including some comments.

21 CHAIRPERSON PAPARIAN: Okay. And then we do have
22 a couple of public comments I know coming after -- at the
23 end of the agenda.

24 Members, would you like to take a lunch break and
25 come back or would you like to push on through. Probably

1 be another 45 minutes, I would guess.

2 COMMITTEE MEMBER JONES: Let's just get it done.

3 CHAIRPERSON PAPARIAN: Okay. You're comfortable
4 with that? Okay.

5 So Item K.

6 ACTING DEPUTY DIRECTOR WALKER: Item K is an
7 update on the Landfill Operations Training/Certification
8 Pilot Program. And this is an effort we've had for quite
9 a while.

10 And Darryl Petker is heavily involved in that.
11 And he will give you a brief presentation.

12 So with that we can get the power point on.

13 (Thereupon an overhead presentation was
14 Presented as follows.)

15 MR. PETKER: Good morning, Committee Chairman
16 Paparian and Board members.

17 I'll try to make this pretty quick. And probably
18 take about ten minutes. I believe we have one comment
19 after that.

20 My name is Darryl Petker. I'm a Senior Waste
21 Management Engineer with the Office of Organizational
22 Effectiveness here at the Board. And I helped coordinate
23 this project.

24 I've given you a package. And contained in that
25 package is the PowerPoint presentation that you'll see; an

1 agenda and a resolution from October '99, which started
2 this; and an agreement with SWANA, which was finalized in
3 October of 2000.

4 Also available for questions or comments would be
5 Don Dier, who worked on this project for about two years
6 also.

7 COMMITTEE MEMBER JONES: Mr. Chair.

8 CHAIRPERSON PAPARIAN: Mr. Jones.

9 COMMITTEE MEMBER JONES: Before Mr. Petker
10 continues, as he's looking to change the page, just for
11 the new members. This Landfill Operator Training Program
12 was a program that was spearheaded by the Board, me
13 specifically, about four or five years ago, when we
14 started entering discussions.

15 The way our system is set up, the Water Board and
16 others look at the construction of a facility to see if it
17 is appropriate to contain the effects of a landfill. And
18 then we go in every month to see if they in fact are
19 operating at state minimum standards. But no where do we
20 offer training. We have 156 active landfills in the state
21 of California, and yet we don't offer training. We're the
22 first to criticize. But we don't train operators.

23 And it became very clear, especially in rural
24 California, that you only know what you know. So when a
25 landfill is being operated by a third generation of county

1 employee who learned from somebody who had been there ten
2 years and maybe that guy learned from somebody who had
3 been there 20 years, they haven't had a chance to grow
4 because they haven't been able to get out and really
5 understand the techniques that have evolved over time and
6 how to operate landfills. And it made sense based on the
7 amount of violations that were going on in the state, the
8 types of violations, that a lot of it was just training.

9 Part of the other problem was LEA's sometimes
10 don't understand what the operators are up against, and
11 operators don't understand what LEAs are supposed to be
12 doing. And state staff, it falls in that same bracket.

13 So this program is in a pilot program to
14 determine whether or not there is value in making this a
15 state requirement at the landfill -- at every landfill
16 operation in the state, some person or persons, depending
17 upon the size, to have fulfilled a requirement. And we're
18 in the process of doing that. Don Dier worked with SWANA
19 and myself -- actually Darryl at the beginning and then
20 Don for two and a half years, to develop not only the
21 program, but the text. So that when people take what is
22 considered the finest landfill operator training course,
23 which is SWANA, they will have California specific
24 information where it is different from Subtitle D, so that
25 we're not training to a federal standard, we're training

1 to a state standard.

2 But I wanted you to know as you're listening to
3 this presentation that this was an effort that the Board
4 took on to really try to raise the bar and provide a
5 service. Because ultimately the better landfills are run,
6 the cheaper they are to run because you're not paying for
7 mistakes.

8 So, Mr. Petker, go ahead. I think it was
9 important to put in a context for our new members.

10 MR. PETKER: Thank you. I appreciate that.

11 Start with a little bit of background here on
12 this project. Back in '96 and '97 Mr. Jones and several
13 others were meeting with the operators of the solid waste
14 industry, some CIWMB staff, some LEAs and SWANA
15 specifically, to talk about the need for training
16 operators and our staff.

17 What they came up with is that there was a need
18 for training on this, there were people that while their
19 intentions were good they didn't have the basic knowledge
20 and experience necessary to do all the work that they were
21 asked to do.

22 --o0o--

23 MR. PETKER: So the Board -- after that
24 evaluation, there was a resolution and an agenda brought
25 to the Board in October of 99, which resulted in the

1 resolution you see there, 1999-474, which authorized staff
2 to work with SWANA and develop a four-year pilot program.
3 In October of 2000 the agreement was finalized between
4 SWANA and the Waste Board. And not only the national
5 SWANA. But in California there are three local SWANA
6 chapters who also agreed to participate and work with us
7 to make sure that that training met California's needs.
8 And by California need, as Mr. Jones said, it's not only
9 the national program which every other state looks at, but
10 it's also -- packed on to that is the California specific
11 information, which I'll address in just a second.

12 --o0o--

13 MR. PETKER: The goals of this pilot project when
14 it went into -- along with our goal is to protect the
15 public health and safety, protect the environment, improve
16 landfill operations cost, capacity, and efficiency.

17 A major goal of this -- and this keeps coming
18 back and back in all the discussions here we continue to
19 have -- is we're trying to educate the landfill managers,
20 the LEAs, and our inspection staff. We're getting nothing
21 but good comments about that. And I have some data here,
22 is that seems to indicate that it's working also.

23 What we're trying to do is develop knowledgeable
24 and experienced landfill operators and inspectors, as well
25 as provide and plan for continuing training opportunities

1 to address problems that we find coming up. So as we see
2 new problems coming up, Mindy Fox of P&E's staff develops
3 programs and training for that in conjunction with SWANA.
4 So it's still a partnership, not just on this level but on
5 other levels of the board as well.

6 And we're constantly checking the results and
7 adjusting as needed.

8 --o0o--

9 MR. PETKER: The pilot training program. It's a
10 partnership with SWANA. The actual basis class that was
11 discussed earlier is a four-day landfill class. There's
12 three days of test -- or three days of instruction, which
13 includes both classroom and field training. The
14 California-specific stuff that we mentioned includes
15 things like household hazardous waste, information about
16 waste tires, ADC, load checking, permit issues. As new
17 California regulations come on, we then add them in. And
18 they're added into specific chapters where they're
19 appropriate. So it's not just tied on at the end. It's
20 not a three-hour class at the end. It's mixed into the
21 program as it goes forward.

22 We also provide a specific test so that they are
23 California certified. It is voluntary at this point. And
24 we check the results and the feedback. And it's been
25 mostly favorable. A few people say, "No, we don't want to

1 do this." Not a lot of reasons given. I think it's just
2 they don't want to do it. But overwhelmingly, "This is
3 great. This really helps. I understand the process a
4 little bit more."

5 We're also working with and continuing to work
6 with the Water Board on the issues that they have on
7 California-specific issues.

8 --o0o--

9 MR. PETKER: A mobile certification is what you
10 would get from -- and MOLO is a manager of landfill
11 operations. That's the acronym for what this is. And you
12 get a certification through SWANA. It has to be re-upped.
13 And you can do that even by taking the course again in
14 three years or getting continual education units. Now,
15 you can get those units through taking SWANA courses or
16 you can get those -- and currently -- again, I talked
17 about the LEA's support section providing classes for
18 that, and for LEAs and Board's staff currently. They have
19 in the period of the last 15 months offered classes where
20 they've been able to get 60 staff where LEAs have been
21 able to get 60 continuing education units. SWANA only
22 requires 30 in a period of three years. Our staff has
23 offered courses twice that amount in a period of 15 years.
24 So we provide that at no charge for those that are
25 interested in keeping up that certification.

1 --o0o--

2 MR. PETKER: Here's a picture of since 1966 the
3 number of those operating -- or they're currently
4 certified in California. It kind of shows the upswing of
5 how this is going. Remember, about 1977, we started
6 taking an interest in presenting this and working with
7 MOLO. As you can see, it's a pretty good climb there.
8 And the blue is those that were registered -- or certified
9 from the past year. The red is those that were registered
10 that year. And you can see how it climbs.

11 We're currently up to 280 people that are
12 currently registered. That means they've maintained their
13 registration. There are quite a few that have taken the
14 class, been registered, but have dropped their
15 registration. Some of those here at the Board.

16 So we're working on bringing those up to speed
17 also. And SWANA's being very, very helpful with that.

18 This chart is a chart of violations and areas of
19 concern taken from landfill inspections and then
20 overlaid -- or placed over the number of operators you
21 see. So in the red, back in 1966, you can see that
22 statewide for the 164 landfills that are currently
23 operating -- so we're going back in history -- that there
24 were 7300 violations of different sorts, and areas of
25 concern. Not all violations. I need to make that clear.

1 I lumped them together just so you could get a bigger of
2 that.

3 And you can see how trend goes down. And you can
4 see how trend goes up in the blue line on the
5 certification and the training that was offered. This in
6 itself is not proof that the certification is the only
7 thing that's doing it. I think there's an awareness here
8 that's also going on.

9 But it's an awareness between the operators and
10 the inspection staff.

11 --oOo--

12 MR. PETKER: So in summary, we've gotten very
13 favorable feedback from not only the SWANA chapters that
14 are involved, but from the participants and our Board
15 staff, as well as some of the LEA's. The partnerships
16 seem to be working well. And there haven't been any major
17 flaws. Constant communication. We have meetings two or
18 three times a year to work out anything we need to.

19 The future MOLO classes, that's the basic class,
20 are planned at the rate of two a year. Those are hosted
21 by the California chapters. CEUs are available. The LEA
22 support section is planning or they have more in the
23 pipeline, so those will be coming.

24 As I showed you from that chart that the overall
25 landfill operations are improving based on the statewide

1 inspection results.

2 The pilot program that we're currently in is
3 scheduled to run through October of 2004.

4 And that concludes my presentation. I have some
5 background -- other information if you have.

6 But I'll take questions or I'll just say thank
7 you.

8 CHAIRPERSON PAPARIAN: Any questions, members?

9 Thank you very much. I think this is -- you
10 know, really been an outstanding program.

11 And I think, Mr. Jones, you deserve a lot of
12 credit for, you know, really helping pull this program
13 together and make sure that it's successful. And I
14 believe that you are one of the 280, if I'm not mistaken,
15 to take it and pass.

16 COMMITTEE MEMBER JONES: Yeah, I decided to put
17 my money where my mouth was. So I took and put my
18 reputation on the line, took the course, took the test,
19 passed it.

20 Did pretty good. Dier said I did okay.

21 (Laughter.)

22 CHAIRPERSON PAPARIAN: That was the right thing
23 to say, Don.

24 (Laughter.)

25 COMMITTEE MEMBER JONES: And, actually, when I

1 ran -- when I had responsibility for 18 landfills in
2 California, I couldn't take and be certified. Because the
3 way SWANA was set up, you had -- to get certification you
4 had to actively be at a landfill. So because my offices
5 were in San Francisco, even though I had oversight of 18
6 landfills, I could have taken the course but never been
7 certified. So one of the things we negotiated with SWANA
8 was not only LEAs in the inspection side, but people of --
9 you know, people that have responsibility over these kinds
10 of things should have the ability to be certified. And
11 that was something that the three local chapters -- we
12 have John Abernethy, who is a past president of SWANA
13 International and the head of Sac County's Solid Waste
14 Division who is a member of SWANA locally.

15 But it was important to do that. And it hangs
16 proudly on my wall because this isn't just about pushing
17 dirt. It's about math. It's about testing quality.
18 There's a lot of good valuable information. And Don Dier,
19 Darryl Petker have been invaluable in bringing this
20 forward. And I'm just going to keep hammering that staff
21 has got to participate as we go on. And they have. But
22 it's important to continue to get LEA's and Board staff to
23 understand and to transfer their information over to
24 operators. Because when both sides of this equation
25 understand, we will have better operating landfills.

1 CHAIRPERSON PAPARIAN: Thank you.

2 And thank you for mentioning Mr. Abernethy. I
3 neglected to mention that I do have a speaker slip from
4 Mr. Abernethy.

5 Come on up.

6 MR. ABERNETHY: Thank you, Mr. Chairman, members
7 of the Board. I am John Abernethy. I'm the manager of a
8 landfill and transfer operations for Sacramento County,
9 and past president of SWANA, and a member and
10 past-chairman of the Legislative Task Force for the
11 California chapters.

12 I'd just like to say how much we as an
13 association appreciate working with the Integrated Waste
14 Management Board on this project. We have been very
15 supportive of increasing the professionalism in our
16 industry and working with the Waste Board on
17 implementation of regulations and having both operators,
18 enforcement personnel, and regulators understand the
19 regulations, have a chance to come together and discuss
20 those regulations and ensure that we're all interpreting
21 them correctly.

22 We again appreciate working with you very much.
23 Hope to continue this relationship. And we are encouraged
24 by the California-specific part of that process. Our
25 international SWANA organization has been working with the

1 management of landfill operations of course for over 15
2 years. It has been adopted and is certified in several
3 states as part of the continuing operation of a landfill.
4 And we'd like to explore that in some future time.

5 So I'm here to answer any questions you have
6 about SWANA as an association, an organization. As Darryl
7 said, we have three California chapters, over 1500
8 members. We represent both public and private in almost
9 every city and county within the state. So we're a very
10 good vehicle to utilize.

11 So thank you. And if you have any questions.

12 CHAIRPERSON PAPARIAN: Thank you.

13 Okay. Good work.

14 Next item.

15 ACTING DEPUTY DIRECTOR WALKER: Thank you. The
16 next item is a discussion item.

17 (Thereupon an overhead presentation was
18 Presented as follows.)

19 ACTING DEPUTY DIRECTOR WALKER: This item is a
20 presentation of an update on the Year 2000 Bureau of State
21 Audits report. And we're also going to present this at
22 the Budget add Admin Committee. And I'd like to just,
23 first, before I start, thank Mark de Bie for helping to
24 put together most of the background on this item.

25 But, clearly, this has been a major part of what

1 the Board has been doing over the last couple of years, is
2 responding to this particular audit report in a number of
3 areas.

4 And in this presentation I'd like to just give
5 you a brief history of the audit. Run through the
6 recommendations. And then go over the actions taken in
7 response; in addition, some of the ongoing activities
8 related to the audit.

9 --o0o--

10 ACTING DEPUTY DIRECTOR WALKER: The Joint
11 Legislative Audit Committee requested audit of the Board's
12 regulatory structure to determine if it achieves
13 legislative intent of protecting public health and safety
14 and the environment.

15 They also requested that the Bureau of State
16 Audits review the Board's permit processes for the
17 Sunshine Canyon Landfill and a sample of 3 other
18 landfills.

19 During the year 2000 there was a lot of --
20 basically the Bureau of State Audits kind of parked
21 themselves in the P&E Division primarily where they
22 reviewed a lot of our records, did a lot of interviews and
23 really went through a lot of what we did -- what we do,
24 including attending a number of the Board meetings.

25 In December of 2000, the Bureau of State Audits

1 issued a report, which is available on their website, and
2 concluded that the Board's limited authority and weak
3 oversight had diminished its ability to protect public
4 health and safety and the environment.

5 And I wanted to point out that clearly there was
6 a lot of aspects of the audit report that were of concern
7 in terms of the factual basis for why the audit report
8 came up with what they did. And in some areas, clearly a
9 number of our stakeholders took issue with a lot of the
10 findings of the audit report.

11 But the important thing to point out is that the
12 Board really went through this audit report very
13 thoroughly, notwithstanding some of the objections to the
14 audit report, the findings and concerns of stakeholders.

15 There has been approximately 27 committee and
16 board agenda items since January of 2001 directly related
17 to the analysis of the follow-up actions.

18 --o0o--

19 ACTING DEPUTY DIRECTOR WALKER: The audit report
20 recommendations -- there's 16 of them. And they cover
21 these general areas: Board authority issues; landfill
22 capacity; environmental justice; analysis of Board
23 policies, specifically including a long-term gas violation
24 policy, and also the permit enforcement policy;
25 inspections and enforcement; notice and orders; 18 month

1 inspections; and also the civil penalties process;
2 landfill closure and post-closure; landfill environmental
3 impacts; and then finally diversion rate calculations.

4 --o0o--

5 ACTING DEPUTY DIRECTOR WALKER: I'm just going to
6 go through each of the audit report recommendations and
7 kind of run through them.

8 Now, the first category is landfill capacity.
9 The first recommendation is to explore options for taking
10 into account the necessity for increased landfill capacity
11 as a factor in granting permits.

12 And the second recommendation in this category is
13 to update the database and require local governments to
14 report accurate landfill capacity information on an annual
15 basis and a consistent manner.

16 Actions we have taken. In July the Board had
17 directed staff to pursue the policy regulations for
18 landfill capacity information. We as a result of that
19 incorporated annual remaining capacity in our solid waste
20 information system, SWIS 3 database. I think the key
21 point here is that capacity as a factor in granting
22 permits requires legislation. It is extremely
23 controversial. The potential for authority to shift from
24 local government to the state on landfill capacity has a
25 lot of opposition amongst local government and the

1 regulated community. And there was no legislative concept
2 directed in that area.

3 And then the other actions. In February -- we
4 continue to pursue the second recommendation. And in
5 February 2002 we updated data collection; june 2002, the
6 Board directed staff to revise our permit application form
7 in the regulations to get a more consistent reporting
8 compilation of the data.

9 And then also in September of 2002, the P&E
10 Committee had a workshop on landfill capacity issues which
11 we discussed a lot of these issues.

12 To date, the -- in April 2003, we anticipate the
13 staff will provide, as directed, the permit application
14 regulations for consideration of starting informal
15 rulemaking.

16 --o0o--

17 ACTING DEPUTY DIRECTOR WALKER: The next two
18 recommendations center around environmental justice.
19 Recommendation 3 is the develop a proposal for
20 incorporating environmental justice into the Board's
21 permitting process and submit the proposal to Cal EPA for
22 its approval.

23 If the proposal is approved, the Board should
24 seek legislative authority to deny permits if EJ concerns
25 exist.

1 The fourth recommendation is to track demographic
2 information on communities where solid waste facilities
3 are located and make this information available to the
4 public.

5 In January 2001 there was discussion of
6 Board-wide coordinated efforts to comply with the
7 requirements of SB 115 and SB 89. That legislation has
8 really started to kick in. A lot of activities in the EJ
9 area, not just with the Board, but also with Cal EPA and
10 the Office of Planning and Research.

11 In March of 2001 the Board participated in OPR
12 survey discussions and also EJ training. In April of
13 2001, staff was directed to prepare a schedule and
14 timeline to address Board programs and EJ and to seek a
15 contractor to assist in this effort. But I'd like to
16 point out too that EJ is not just in the permit area and
17 the permit and enforcement. It affects the whole Board.
18 And also Rubia Packard in our Policy Analysis Office, I'd
19 like to acknowledge, does a lot of work in our overall EJ
20 efforts, and she was intimately involved in this
21 particular effort.

22 And in June of 2001 the Board considered EJ
23 action plan, gave further direction. And in October the
24 Board approved EJ actions for all Board programs.

25 --o0o--

1 ACTING DEPUTY DIRECTOR WALKER: A lot of this
2 culminated in November 2001 with the Board's strategic
3 plan, goal 6, which the Board adopted a strategic plan
4 including goal 6, which is to continuously integrate
5 environmental justice concerns into all the Board's
6 programs and activities including administrative and
7 budget decisions.

8 In June 2002 the Board approved UC Santa Cruz as
9 a contractor to assess and increase community
10 participation in all the Board processes.

11 And then in February of 2003, we kicked into our
12 new agenda item template. And this template we put in all
13 our items, demographic information and an EJ issue
14 section. And in particular you'll see this in our permit
15 items. You'll see a lot more extensive information on
16 this.

17 And to date -- also I wanted to point out that in
18 January the P&E Committee directed staff to research the
19 local community outreach for past permit actions and to
20 bring back options. And so we're currently doing that.
21 And we're going to come back hopefully in May on that.

22 Staff continues to facilitate communication
23 between community groups and facility operators. An
24 example is the Bradley public meeting that was just
25 recently conducted. And staff and Board -- staff will

1 continue to participates in Board-wide effort in the Cal
2 EPA EJ working group. And this working group, the final
3 recommendations -- final working group recommendations are
4 pending.

5 Also, we will provide a strategic plan goal 6
6 update at the Board meeting this month.

7 --o0o--

8 ACTING DEPUTY DIRECTOR WALKER: The next
9 recommendation, number 5, is to discontinue the use of
10 1994 policy that allows concurrence with permits for
11 landfills that have long-term violations of state minimum
12 standards. If the board believes the policy is necessary,
13 it should request the legislation to grant it the
14 authority to issue permits to long-term violator under
15 defined circumstances.

16 In January 2001, the Board directed staff to work
17 with member offices to develop regulatory concepts that
18 address the issues within this policy.

19 This is essentially the long-term gas violation
20 policy that the Committee had before them in an item last
21 month, the permit. It was the first permit we had that
22 that invoked this policy for over a year. At that time
23 the Board considered suspending the policy. But they
24 decided that there was still benefit in having the policy
25 in place and that also there was existing authority that

1 supported the policy. So we had the authority to continue
2 the policy.

3 In August of 2002, the Board directed staff
4 and -- but part of that was though to consider the policy
5 and that we do need to consider putting that in
6 regulations. And so there was the direction to continue
7 to work in that area. And in August of 2002 the Board
8 directed staff to initiate some regulatory concepts. And
9 to date, as mentioned in the deputy director report, today
10 staff has established a technical advisory group, as
11 directed, with timelines and tasks to continue an informal
12 rulemaking process. And we are projecting that the
13 consideration of regulations to start the formal
14 rulemaking process would start in July of 2003.

15 --o0o--

16 ACTING DEPUTY DIRECTOR WALKER: The next
17 recommendation is number 6. And this is discontinue the
18 use of its 1990 policy -- enforcement policy that allows
19 operators to violate the terms and conditions of their
20 permits without first obtaining a permit revision. This
21 was formerly called the PEP policy.

22 And in action taken in late 2000 to March of 2001
23 there were focus group meetings conducted to resolve a
24 number of issues on the policy of the stakeholders. The
25 Board directed interim modification to the policy and

1 directed that regulations be developed. In June of 2001
2 the modified policy was rejected and staff was directed to
3 develop emergency regulations.

4 In August of 2001, the Board approved emergency
5 regulations, which are waiver of permit terms and
6 conditions during temporary emergencies. These
7 regulations significantly tighten the ability to use this
8 concept with regard to permits and enforcement orders.

9 And then with emergencies it kicks into a
10 permanent regulation process. And the Board adopted those
11 permanent regulations in December of 2002. And we are --
12 they're pending OAL approval. And we expect that to
13 occur -- actually late March perhaps we should have those
14 regulations in place.

15 --o0o--

16 ACTING DEPUTY DIRECTOR WALKER: Concerning
17 enforcements there were three recommendations in this
18 area. Number 7 is to continue to improve Board
19 performance in conducting landfill inspections every 18
20 months as state law requires.

21 Number 8 is continue its efforts -- the Board's
22 efforts to modify enforcement regulations relating to
23 tracking compliance with notice and orders.

24 And number 9 is to ensure LEAs require operators
25 to comply with notice and orders by date specified in the

1 order, and issue penalties to those that do not comply.

2 Actions taken. We had some differences with the
3 audit report on how they were gauging our compliance with
4 our mandated inspections. And as of July 2001, we really
5 were conducting these inspections quite thoroughly. We
6 had 95 percent of the mandated inspections on time. And
7 we've about -- we've been at 98 percent level since July
8 of 2001.

9 In May of 2001, the Board's enforcement
10 regulations became effective. So the audit report was
11 kind of midstream in these regulations. And they did get
12 completed and they're effective and they are being
13 implemented. So they are addressing a lot of the issues
14 brought up in that report.

15 And then as directed by the Board, we report on a
16 quarterly to six-month basis on all enforcement orders
17 issued to LEAs. We've been doing that. We've done three
18 of them so far. Our next one is scheduled for April --
19 actually it's April of 2003. And we're also directed by
20 the Board to bring in a broader discussion of cease and
21 desist orders in that item.

22 And, again, as noted in the LEA evaluation
23 program item this morning, we continue to monitor and
24 evaluate LEA performance with regard to enforcement.

25 --o0o--

1 ACTING DEPUTY DIRECTOR WALKER: The next
2 recommendation is to seek legislation to streamline the
3 current process for imposing civil penalties.

4 And the Board discussed our current processes for
5 civil penalties in May of 2001. And in June of 2001 the
6 Board directed staff to pursue legislative change concepts
7 on specific findings of statutory barriers to effective
8 civil penalties process.

9 And to date, you know, there were no -- there was
10 no legislation last year in this area. And we continue to
11 pursue those aspects as directed by the Board. And maybe
12 one day we will get some additional authority in this
13 area.

14 --oOo--

15 ACTING DEPUTY DIRECTOR WALKER: I don't want to
16 get into it. This is kind of a busy slide. But the
17 statutory barriers that we found were that -- give you a
18 couple of the highlights. And these are in the June 2001
19 Board agenda item. But I think that really one of the
20 things that we found in working with the LEAs and all is
21 really that in many cases these civil penalties are just
22 really too low to act as a credible deterrent, and really
23 inconsistent with other Cal EPA agencies, far lower than
24 those agencies.

25 Also that criminal penalties are needed for

1 certain situations. The need to clarify the authority to
2 closed, illegal, and abandoned sites. Enforcement
3 authority against prior owners and operators who are
4 responsible for the non-compliance or illegal activity.
5 Enhanced site access authority is needed. Law should
6 clearly prohibit disposal to any property other than a
7 permitted or otherwise exempt facility.

8 And then, finally, one of the barriers was time
9 limits are needed for some appeals to the local hearing
10 panel, and under which the petition for writ of mandate
11 may be filed challenging the city or the Board.

12 So we continue to, you know, look at this. But
13 at the same time our enforcement regs help to a certain
14 extent to better deal with these steps you need to take
15 before you get to the civil penalties issuance. So in
16 order to issue civil penalties you have to have the
17 appropriate enforcement action taken. And so the
18 enforcement regs help us to do that. And We continue to
19 work on that to ensure that we do the best we can in that
20 area.

21 --o0o--

22 ACTING DEPUTY DIRECTOR WALKER: Then in the
23 landfill closure and post-closure area we had three
24 recommendations. First was to modify regulations to
25 prevent LEAs from indefinitely extending deadlines for

1 submittal of closure plans. Recommendation 12 is to
2 modify regulations to reestablish the Board's role as a
3 coordinating agency.

4 And then the 13th recommendation was to seek
5 legislation that will allow the Board to offer loans or
6 grants to landfill operators in need of financial
7 assistance to close landfills.

8 And all these three recommendations, we've been
9 successful in meeting each one of these clearly. Again,
10 the closure regulations are approved by OAL, they're
11 effective, they deal with 11 and 12. And then also the
12 Board was successful in 13 in the sense that AB 467 was
13 enacted and it establishes a landfill closure loan
14 program.

15 This closure loan program requires us to write
16 regulations to implement it. And we are anticipating
17 right now to bring that before the Board in April of 2003.

18 --oOo--

19 ACTING DEPUTY DIRECTOR WALKER: The next
20 recommendation, number 14, is to complete the study of
21 environmental impacts of landfills in the state. And this
22 is the Geosyntech study, which was again the -- Rubia
23 Packard and the Policy Analysis Office is managing this
24 contract. And it's looking at cross-media performance of
25 landfills across the state to look at ways that we might

1 improve landfill performance and also gauge whether our
2 regulations are really working.

3 And there's been a number of activities related
4 to this contract that we continue to implement. And,
5 ultimately, in conclusion there will be a number of items
6 going before the Board to consider various aspects. And
7 we're continuing an ongoing effort in this in the landfill
8 study.

9 --o0o--

10 ACTING DEPUTY DIRECTOR WALKER: The next two
11 recommendations are in diversion rate calculations. And
12 hopefully Lorraine Van Kekerix -- oh, good, Lorraine's
13 here in case I blow it, because this is not my area of
14 expertise.

15 But recommendation 14 is -- recommendation 15 is
16 to ensure that reported diversion rates are accurate, the
17 Board should modify its regulations to require local
18 governments to revise their base year figures at least
19 every five years. And then the Board should identify and
20 require local governments needing new base year waste
21 generation studies.

22 The actions taken include that the Board has
23 determined that it does not have statutory authority to
24 require jurisdictions to perform a new base year every
25 five years.

1 The Board determined also that there is no basis
2 for a five-year interval for performing new base year
3 studies, and that the Board may require jurisdictions to
4 perform new base year studies if existing measurement is
5 found to be not as accurate as possible.

6 And then, finally, to date the Board has approved
7 new base years for about 160 jurisdictions, regardless
8 of -- notwithstanding the previous findings. It is
9 anticipated that many new base years will be scheduled to
10 go before the Board in the near future. And that would be
11 before the -- as far as committees, the Diversion,
12 Planning, and Local Assistance Committee.

13 --o0o--

14 ACTING DEPUTY DIRECTOR WALKER: And then the
15 final recommendation is number 16, which is to ensure the
16 Board provides consistent guidance to local governments on
17 how to meet diversion goals, it should take the following
18 steps:

19 1) Decide on the appropriate types of materials
20 local governments can count as diversion and the methods
21 to quantify those amounts.

22 2) Seek concurrence from the Legislature as to
23 whether its approach meets the original intent of the
24 mandate.

25 And the actions taken in this recommendation

1 include that the Board has found that the current statute
2 specifies the materials -- already specifies the materials
3 allowed as diversion.

4 Second action is that the Board adopted the
5 Diversion Study Guide as a guide to assist jurisdictions
6 when conducting base-year studies. So there's guidance
7 that's been put out for local governments.

8 The third action is that the Board adopted a
9 comprehensive system as required by statute. And this
10 included broad policy perspective of including the
11 measurement system.

12 And then finally the Board provided policy
13 guidelines regarding statewide issues for special
14 circumstances, like Class 2 waste.

15 And also the Board is in the process of
16 developing revised disposal reporting system regulations,
17 which is another ongoing effort that ties into these
18 recommendations.

19 --o0o--

20 ACTING DEPUTY DIRECTOR WALKER: So to summarize,
21 I think the idea here was just to give, in particular for
22 the benefit of new Board members, just a brief overview of
23 the audit report recommendations, the actions taken,
24 ongoing activities, and then allow for if the Board would
25 like any questions or discussion. I'd like to also point

1 out we will be presenting at the Budget-Admin Committee
2 about some more opportunities for discussion too.

3 That concludes staff's presentation.

4 CHAIRPERSON PAPARIAN: Thank you, Mr. Walker.

5 Any questions or comments, board members?

6 Mr. Jones.

7 COMMITTEE MEMBER JONES: Just a couple quick
8 ones.

9 First, Mr. Chair, I want to thank for having this
10 item. I know it was slated to go in front of Budget and
11 Mr. Washington's committee. So I appreciate seeing it.

12 There were a lot of things that we didn't agree
13 with during the audit. Staff had the ones -- some that
14 they didn't agree with. Members had some they didn't
15 have -- we didn't agree with.

16 I want to bring something up -- a couple of
17 things up. Number one, I think that the steps we're
18 taking make a lot of sense. The debate we've taken since
19 the audit has made a lot of sense on specific issues.

20 I think some of the issues surrounding
21 environmental justice and where does the -- you know,
22 where should the public hearings be and things like that
23 are something that has a lot of interest to the members.
24 And Mr. Washington has made it clear. That's a debate we
25 really need to talk about, because clearly -- I think it

1 needs to be at the locals; because as somebody that ran
2 landfills, I wouldn't spend money if I didn't know where
3 the end of train was.

4 But that being said, Scott was starting to talk
5 about the numbers and the issues with base years and
6 things like that as part of the audits. At the time that
7 was in response to a lot of phony numbers and a lot of
8 different stuff coming up in the materials where, you
9 know, do want to count 800 pounds for every pallet that's
10 ever been made to get your number up high enough so you
11 didn't have to do programs.

12 But in Scott's presentation he talked about the
13 DRS, the Disposal Reporting System, that we're in the
14 middle of regulations on. And I especially bring it up in
15 this context is that we need to be very careful as a
16 Board. We have worked hard to ensure the integrity of AB
17 939. There was an issue that we were bean counters. We
18 try hard not to be bean counters even though we have to.
19 I mean we've got to look at a number as an indicator, but
20 it's the programs that are important.

21 With the DRS, if people start to make that system
22 locally so onerous that trucks are backed out to the
23 freeway, waiting to get into a facility because of a DRS
24 system that requires a manifest or some incredible amount
25 information, I see that as another way to blow up AB 939;

1 not to get more information, but clearly to blow it up.

2 So while we're talking about the audit, we need
3 to talk about those common sense methods to get the
4 information we need to be able to perform for the State of
5 California and the people, and not let systems get away
6 from us that could end up killing the very thing we've
7 invested billions of dollars in. So I'm bringing it up
8 because it was brought up as the audit and requires our
9 attention.

10 So thank you, Mr. Paparian, for having this item
11 today.

12 CHAIRPERSON PAPARIAN: Yeah, I think you've
13 identified a couple of the areas where there certainly has
14 been a controversy. And I think we'll continue to need
15 some discussion on environmental justice, obviously being
16 one. And I think we'll -- actually there was a -- let me
17 see if I can get Ms. Peace and Mr. Washington a copy of
18 it. There was a law review article suggesting that the
19 Waste Board could make environmental justice a state
20 minimum standard. I think our legal staff disagreed with
21 that interpretation of the law, whether that would be a
22 possibility or not. But certainly it provides some
23 fruitful -- interesting background on that issue.

24 On the enforcement issue, I think we continue to
25 kind of struggle between the role as an enforcer who

1 issues penalties and a role as someone who really helps
2 people to comply with the law. I know that I've been
3 frustrated in the past that when I look at the number of
4 violations -- we just had that presentation a minute
5 ago -- you know, 2000 some violations last year. Yet the
6 number of penalties that have been issued I think is
7 pretty close to zero.

8 So that's been an area that I've been wanting to
9 pursue. And hopefully we'll be able to address the
10 penalty issues at a future date.

11 Anything else on this item?

12 We do have two public comments.

13 Thank you for that.

14 Oh, Scott, I think a copy of your presentation
15 would be useful if you could provide Board offices with
16 that.

17 ACTING DEPUTY DIRECTOR WALKER: Yes, I will.

18 CHAIRPERSON PAPARIAN: We have two public
19 comments, starting with Rich Marovich from the Lower Putah
20 Creek Coordinating Committee.

21 And then followed by, last but not least, Mike
22 Mohajer.

23 MR. MAROVICH: Thank you very much.

24 I'm here to sing the praises of the Farm and
25 Ranch cleanup Program and to --

1 CHAIRPERSON PAPARIAN: Could please identify
2 yourself for the record.

3 MR. MAROVICH: My name is Rich Marovich. I'm the
4 Putah Creek stream keeper. I work for the Lower Putah
5 Creek Coordinating Committee. And I'm here to talk about
6 the Farm and Ranch Cleanup Program and some of the
7 benefits of that program to our creek preservation and
8 enhancement efforts that you may not be aware of.

9 My job is to monitor the flows in Putah Creek and
10 otherwise protect and enhance the resource. I always
11 appreciate the opportunity to talk about solid waste
12 issues because in my world it's something everyone can
13 agree upon. Nobody likes to see trash in the creek.

14 We have many other challenges with invasive weeds
15 and crumbling stream banks like that. But none resonate
16 with landowners like clean up of public dumping on
17 agricultural lands. And the Farm and Ranch cleanup
18 Program is a big part of our efforts.

19 Our lands along Putah Creek are about 80 percent
20 Privately owned, which means that we depend very much on
21 goodwill of private landowners if we're going to do
22 restoration and habitat enhancement work. And often times
23 these projects begin with a cleanup effort because we've
24 got to get the trash out before we can do restoration.

25 It also establishes goodwill with landowners that

1 might otherwise be very suspicious of working to enhance
2 the creek. So it's a great program in that regard as
3 well.

4 Lower Putah Creek flows out of Lake Berryessa due
5 east 30 miles to the Yolo Bypass. It forms the northern
6 boundary of Solano County and the southern boundary of
7 Yolo County for much of its length. The channel is deeply
8 incised. The channel itself is a large gully from 200 to
9 600 feet across and up to 50 feet deep. Almost all of it
10 is zoned agricultural and much of it has suffered from
11 public dumping, including many burn dumps, that long cease
12 to be active but that have never been cleaned up.

13 There are also active areas of illegal dumping,
14 mostly confined to areas where public roads are along the
15 top of the bank of Putah Creek and there is no intervening
16 vegetation.

17 I'd like to interject just in response to an
18 observation that Mr. Washington made earlier, that fences
19 often make very poor barriers to dumping because it's easy
20 to defeat a fence, either by breaking the fence or
21 throwing something over a fence. But I've noticed that
22 vegetation along the top of a bank is a very effective
23 barrier to dumping in Putah creek, and it provides a
24 three-dimensional barrier. It's not easy to throw a couch
25 over a large shrub. Also, things like poison oak and

1 blackberry thickets are often even more effective than a
2 barbed-wire fence.

3 CHAIRPERSON PAPARIAN: That would be more
4 punitive than discouraging at times.

5 But go ahead.

6 MR. MAROVICH: Indeed.

7 And, you know, furthermore, landowners don't want
8 to see fences along the tops of the bank of Putah Creek,
9 whereas they would readily accept infilling the
10 vegetation. And it's the gaps in the vegetation. It's
11 not like we have to vegetate the whole top of the creek.
12 It's just those gaps. That's where the dumping's
13 occurring.

14 So I have no proposals before the Board at this
15 time. But in a future proposal I'd like to talk about
16 infilling vegetation as a measure to discourage illegal
17 dumping, and one that might well be more effective than
18 any fence.

19 Old timers tell us that before there were public
20 dumps there was Putah Creek. We discovered many old dump
21 sites, and doubtless many more remain to be discovered.

22 I am pleased to report that Putah Creek we are
23 turning the tide on trash, thanks in large measure to this
24 program. Two years ago we cleaned up areas of public
25 dumping on two private farms with community volunteers.

1 But many item were too large or the dump site was too
2 extensive to be cleaned up with volunteers alone. The
3 Farm and Ranch Cleanup Program allowed us to finish the
4 job.

5 We are currently exploring opportunities to use
6 farm and ranch cleanup projects as matching funds for
7 federal grants and an opportunity to promote environmental
8 justice by cleaning up low income agricultural areas. And
9 we are looking at dumping prevention measures as well.

10 The increased funding one as it took effect this
11 year also allow us to plan for modest site remediation
12 after cleanup efforts, especially where soil disturbance
13 is unavoidable.

14 For the remainder of this talk I would like to
15 summarize past efforts and future opportunities.

16 For the past three years we mobilized community
17 volunteers for five major cleanup events. These efforts
18 yielded thousands of volunteer hours and hundreds of cubic
19 yards of trash removed from the banks of Putah Creek.
20 Last year we finished cleaning up two of our worst dump
21 sites with the help of the Farm and Ranch Cleanup Program,
22 removing hundreds more of cubic yards of trash where the
23 items were too heavy or too extensive to clean up by
24 volunteers along. Much of the trash was partially buried
25 in a makeshift landfill in the banks of the creek. We're

1 not trying to excavate all trash; simply to clean up
2 surface trash to the point where we can revegetate the top
3 of the bank.

4 There's much attention these days on water
5 quality and watershed approaches to ag runoff. These
6 programs focus on marginal improvements of contaminants
7 that are often measured in parts per billion
8 concentrations. While these are important efforts, it's
9 the Farm and Ranch Cleanup Program that is helping us to
10 address far more obvious problems like sunken cars,
11 refrigerators and television sets that we find in the
12 creek.

13 It's ironic that many items that are not
14 considered to be safe to dump in an ordinary public
15 landfill end up in our creeks and end up in water supplies
16 of people downstream from us.

17 The Farm and Ranch Cleanup Program is helping us
18 to us address these issues.

19 As we look forward to future projects, we are
20 mindful of the value the Farm and Ranch Cleanup Grants
21 provide to us as matching funds for federal grants and as
22 leverage for CALFED grants, that use a combination of
23 state and federal funds. One such example is the Yolo
24 Housing Authority site on the outskirts of Winters. This
25 is a farm worker housing camp. That is the highest

1 density of housing that we have anywhere on Putah Creek.
2 It also has the highest number of tires per square yard of
3 creek bottom than any other place I've seen on Putah
4 Creek.

5 The Farm and Ranch Cleanup Program can help us
6 clean up this site and other low income ag properties that
7 have long suffered from public dumping and neglect.

8 Another site is the Hasbrough-Kilkenny
9 restoration site. While this is primarily a fish habitat
10 enhancement project, there's also old material that had
11 been dumped in the creek a long time ago that we have to
12 clean up before we can begin the habitat restoration.
13 This is also one of the places where Putah Creek Road runs
14 along the top of the bank and we have that ongoing dumping
15 problem.

16 Until there are TMDL's for -- or water quality
17 standards for sunken cars and water heaters, it's this
18 program that's providing us the ability to clean up Putah
19 Creek and deal with issues right now.

20 I'd just like to conclude by thanking you for
21 this great program. I've received a tremendous amount of
22 assistance from Carla and her predecessor, Georgianne
23 Turner, and also from Wes Mindermann. And I look forward
24 to working with them on future projects.

25 Thank you very much.

1 CHAIRPERSON PAPARIAN: Thank you very much for
2 joining us today.

3 Mr. Mohajer.

4 MR. MOHAJER: Mr. Chairman, members of the Board,
5 good afternoon.

6 I have sort of good news. Hopefully the staff
7 and the various Board members will be seeing less of me.

8 Last Tuesday, our Chairman of the Board --
9 Chairperson of the Board, Supervisor Knabe and
10 Supervisor -- help me out.

11 COMMITTEE MEMBER WASHINGTON: Burk.

12 MR. MOHAJER: Burk.

13 They nominated former Senator Roberti to serve on
14 the L.A. County Integrated Waste Management Task Force as
15 representing the public.

16 So hopefully when the time allows and the
17 September comes around so you will be seeing more of him
18 and less of me. At least that's what the goal is -- my
19 goal anyhow. So that's basically what I just wanted to
20 let you know.

21 Mr. Washington, in reference to illegal dumping,
22 we did have a camera over south central L.A. Some of
23 them, they got stolen. And so we have to put them in a
24 high area. And then we ran out of battery at times. So
25 it really became very difficult to operate it.

1 So that's all I have to say. Thank you.

2 CHAIRPERSON PAPARIAN: Thank you very much. I
3 didn't know that about Senator Roberti.

4 Mr. Jones.

5 COMMITTEE MEMBER JONES: Mr. Chair.

6 Mr. Mohajer, just so you know, there's a company
7 in Folsom that is making a fuel cell battery pack for
8 cameras, things like that, that will last I think it's 2
9 weeks at a time. It's like 10 times longer than a battery
10 pack -- 10 or 20 longer. I'll get you the information.
11 I'll give it to you. Then we can start helping -- since
12 we've already given you the money, you can spend it on
13 some fuel energy conversion technology.

14 MR. MOHAJER: Nothing like \$18 million comes over
15 here. But I can use that for my Marina Del Rey usable
16 center because that's where most of it -- I will come.

17 Thank you.

18 COMMITTEE MEMBER WASHINGTON: I noticed, Mr.
19 Jones, you didn't speak to the part when he's talking
20 about the ones being stolen.

21 COMMITTEE MEMBER JONES: I leave that to you.

22 (Laughter.)

23 CHAIRPERSON PAPARIAN: Okay. Anything else to
24 come before us today?

25 I don't think so.

1 Okay. This meeting is adjourned.

2 Thank you, everybody.

3 (Thereupon the California Integrated Waste
4 Management Board, Permitting and Enforcement
5 Committee meeting adjourned at 1:00 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 3rd day of April, 2003.

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21
22
23 JAMES F. PETERS, CSR, RPR
24 Certified Shorthand Reporter
25 License No. 10063